TITLE 10

Land Use Regulations

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CHAPTER 1

ZONING

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ARTICLE 0: INTRODUCTION

Section 10-1-0001: Title

This Chapter shall be known, cited, and referred to as the VILLAGE OF PRAIRIE DU SAC ZONING ORDINANCE except as referred to herein, where it shall be known as "this Chapter".

Section 10-1-0002: Authority

This Chapter is enacted pursuant to the authority granted by the State of Wisconsin Statutes. Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive, may not always be up to date, and shall in no manner be construed so as to limit the application or interpretation of this Chapter. State Law Reference: Section 61.35, 62.23(7), 62.231, 87.30 Wisconsin Statutes

Section 10-1-0003: Rationale

At certain points in this Chapter, paragraphs labeled "Rationale" are included to ensure a complete understanding of the purpose and reasoning of the Village in adopting that particular portion of this Chapter. Each Rationale is intended as an official statement of the legislative findings or purposes, shall be treated in the same manner as other aspects of legislative history, and shall serve to guide the administrative and judicial interpretation of this Chapter. The specific rationale expressed in each Rationale section are not intended to be exhaustive, and other non-explicit rationale may also be applicable.

Section 10-1-0004: Purpose

This Chapter is adopted for the purpose of protecting the public health, safety, morals, comfort, convenience and general welfare by implementing certain goals and objectives of the Comprehensive Plan to the extent possible and desirable under zoning, as authorized and required by State of Wisconsin Statutes. State Law Reference: Sections 61.35, 62.23, 66.100, Wisconsin Statutes.

This Chapter is also designed to control and lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to promote adequate light and air; to encourage the protection of surface and ground water resources; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve, protect and promote property values; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities; and to preserve burial sites as defined in Section 157.70(1) Wisconsin Statutes. State Law Reference: Sections 62.23(7)(c), and 157.70(1), Wisconsin Statutes.

Additional purposes of this Chapter, including to promote high quality and lasting urban design and to manage growth and the impacts of land development, are specified throughout this Chapter.

Rationale: In developing the specific regulations of this Chapter, much effort has gone into balancing the vision, goals, objectives, and policies of the Comprehensive Plan. The current status of this Chapter and its components (including the Official Zoning Map) represents the cohesive result of carefully considered Comprehensive Plan implementation practices. Amendments to these provisions and/or the Official Zoning Map shall consider the effect of such changes on the interrelationships which exist within this Chapter, and between this document, the Comprehensive Plan, and related long-range planning policies and programs.

Section 10-1-0005: Severability and Non-Liability

It is hereby declared to be the intention of the Village Board of Trustees that the several provisions of this Chapter are separable in accordance with the following:

(a) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.

(b) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Chapter to a particular property, water, building, or structure, such judgment shall not affect the application of said provision to any other property, water, building, or structure not specifically included in said judgment.

(c) If any requirement or limitation attached to an authorization given under this Chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.

(d) The Village does not guarantee, warrant or represent that only those areas designated as floodplain will be subject to periodic water inundation and hereby asserts that there is no liability on the part of the Village, its officers, employees, agents, or representatives for any flood damages, sanitation problems, or structural damages.

Section 10-1-0006: Abrogation

It is not intended that this Chapter abrogate or interfere with any constitutionally protected vested right. It is also not intended that this Chapter abrogate, repeal, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law, including but not limited to regulations associated with particular projects developed under PUD Planned Unit Development zoning under the prior zoning ordinance.

Section 10-1-0007: Rules of Interpretation

(a) In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare, shall be liberally construed in favor of the Village and shall not be construed to be a limitation or repeal of any other power now possessed by the Village of Prairie du Sac.

(b) Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Where there are conflicts between or among regulations within this Chapter, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

(c) No structure, land, water or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a building permit, except structures not requiring a building permit (e.g., swing set, clothesline), and without full compliance with the provisions of this Chapter and all other applicable local, county, state and federal regulations.

(d) Nothing herein contained shall require any changes in plans, construction, size or designated use of any building or part thereof, for which a building permit has been issued before August 18, 2011 and the construction of which shall have been started within one year from the date of such permit.

(e) Except as provided in this Chapter, under provisions for Substandard Lots (Section 10-1-1201), Nonconforming Uses (Section 10-1-1202), Nonconforming Structures (Section 10-1-1203), and Nonconforming Sites (Section10-1-1204), no building, structure, development or premises shall be hereinafter used or occupied and no applicable permit granted, which does not conform to the requirements of this Chapter.

(f) In cases of mixed-occupancy or mixed-use structures or land use, the regulations for each land use shall apply to the portion of the structure or land so occupied or so used.

(g) Except for outlots authorized under the Village's Land Division Regulations to contain Permanent Green Space Areas, no yard or other open space shall be considered as providing a yard or open space for a building or structure on any other lot.

Section 10-1-0008: Jurisdiction

This Chapter is applicable to all territory located within the corporate limits and Extraterritorial Zoning Jurisdiction of the Village of Prairie du Sac. Certain provisions are, where specifically indicated, not applicable within the Extraterritorial Zoning Jurisdiction or to certain land uses or development forms that are common in the Extraterritorial Zoning Jurisdiction.

Section 10-1-0009: Re-enactment and Repeal

(a) This Chapter, in part, carries forward by re-enactment some of the provisions of the regulations governing zoning and related matters, being previously known collectively as the "Zoning", Title 10, Chapter 1 of the Code of Ordinances for the Village of Prairie du Sac, adopted prior to August 18, 2011. It is not the intention of this Chapter to repeal, but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced, unless explicitly surrendered by specific provisions of this Chapter or altered by the Official Zoning Map.

(b) All provisions of Title 10, Chapter 1 of the Village of Prairie du Sac Code of Ordinances which are not re-enacted herein are hereby repealed.

(c) The adoption of this Chapter shall not adversely affect the Village's right to prosecute any violation of the predecessor zoning ordinance provided the violation occurred while that Chapter was in effect.

Section 10-1-0010: Effective Date

All plans approved under previous zoning regulations shall be valid and may be used to obtain permits for a period of not more than one year after August 18, 2011, except where otherwise subject to Developer's Agreement provisions that provide further limitations. This Chapter became effective upon passage and posting according to law (August 18, 2011), following the date of repeal and re-enactment of this Chapter (August 9, 2011).

ARTICLE 1: DEFINITIONS

Section 10-1-0101: Introduction to Word Usage, Abbreviations and Definitions

The purpose of this Article is to define words, terms and phrases contained in this Chapter which are essential to the understanding, administration and enforcement of this Chapter, and which are not part of common English usage.

Section 10-1-0102: Word Usage

The interpretation of this Chapter shall abide by the provisions and rules of this Section, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the apparent intent of this Chapter.

(a) Words used or defined in one tense or form shall include other tenses & derivative forms.

(b) Words in the singular number shall include the plural number, and words in the plural number shall include the single number.

(c) The masculine gender shall include the feminine, and vice versa.

(d) The words "shall", "must" and "will" are mandatory.

(e) The words "may", "can" and "might" are permissive.

(f) The word "person" includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.

(g) The word "Village" shall mean the Village of Prairie du Sac, Wisconsin.

(h) The word "County" shall mean the County of Sauk, Wisconsin.

(i) The word "State" shall mean the State of Wisconsin.

(j) The word "Plan Commission" shall mean the Village of Prairie du Sac Plan Commission.

(k) The words "Joint Committee" shall refer to the Joint Extraterritorial Committee as created under Sec. 62.23 (7a) of Wisconsin Statutes.

(l) The words "Board of Trustees" and "Village Board" shall refer to the Village of Prairie du Sac Board of Trustees.

(m) The words "Board of Zoning Appeals" shall mean the Village of Prairie du Sac Zoning Board of Appeals.

(n) The words "Board of Extraterritorial Zoning Appeals" shall mean the joint Board of Extraterritorial Zoning Appeals appointed by the Village of Prairie du Sac and Town of Prairie du Sac to fulfill the functions of the Zoning Board of Appeals in the Extraterritorial Zoning Jurisdiction.

(o) The words "Comprehensive Plan" shall mean the Village of Prairie du Sac's adopted comprehensive plan.

(p) If there is any ambiguity between the text of this Chapter and any caption, illustration, or table, the text shall control.

(q) The words "the Plan Commission or the Joint Committee" and "Plan Commission or Joint Committee" mean that the Village Plan Commission has jurisdiction over the referenced action if the subject property is within the Village limits or the Joint Extraterritorial Committee has jurisdiction over the referenced action if the subject property is within the Extraterritorial Zoning Jurisdiction.

Section 10-1-0103: Abbreviations

The following abbreviations in this Chapter are intended to have the following meanings:

Abbreviation	Meaning
A-H	Agricultural Holding (zoning district)
AO-H	Airport Height Limitation Overlay (zoning district)
A-P	Agricultural Preservation (zoning district)
A-T	Agricultural Transition (zoning district)
AIR	Airport Zoning District
B-C	Central Business (zoning district)
B-H	Highway Business (zoning district)
B-N	Neighborhood Business (zoning district)
B-R	Rural Business (zoning district)
BETZA	Board of Extraterritorial Zoning Appeals
CON	Conservancy (zoning district)
du	Dwelling unit
FAA	Federal Aviation Administration
GFA	Gross Floor Area
GSA	Gross Site Area
HUD	U.S. Department of Housing and Urban Development
I-1	Institutional (zoning district)
LSR	Landscape Surface Ratio
Max	maximum
Min	Minimum
M-G	General Manufacturing (zoning district)
M-L	Light Manufacturing (zoning district)
N/A	Not applicable
O-R	Office and Research (zoning district
PSC	State of Wisconsin Public Services Commission
R-1-A	Single-Family Residential "A" (zoning district)
R-1-B	Single-Family Residential "B" (zoning district)
R-2	Two-Family Residential (zoning district)
R-M	Multi-Family Residential (zoning district)
R-R	Rural Residential (zoning district)
UDC	Uniform Dwelling Code
WPO	Wellhead Protection Overlay (zoning district)
sf or sq. ft.	Square feet

Section 10-1-0104: Definitions

The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section. Definitions provided by this Section include:

Abutting: Having a common border with, or being separated from such common border by an alley or easement.

Access: A means of providing vehicular or non-vehicular egress from or ingress to a property, highway, or private roadway.

Access, Direct: A condition of immediate physical connection resulting from a highway, alley, or private road abutting a property.

Access, Secondary: A means of providing vehicular or non-vehicular ingress to or egress from a property and a source other than a street or alley (e.g. easement, common driveway).

Access Standards: See Section 10-1-0808(m).

Acre: 43,560 square feet.

Accessory Farm or Forestry Structure (land use): See Section 10-1-0310(h)(22).

Accessory Use or Structure: A use or structure subordinate to, and serving, the principal use or structure on the same lot and customarily incidental thereto.

Accessory Non-Residential Structure (land use): See Section 10-1-0310(h)(1).

Accessory Residential Use or Dwelling Unit: For purposes of this Chapter, a dwelling unit that is accessory to one or more principal land uses. Includes "In-family Suites," "Accessory Dwelling Units," "Caretaker's Residence" and similar uses. See Section 10-10310(h).

Accessory Residential Structure (Detached) (land use): See Section 10-1-0310(h)(2).

Active Outdoor Public Recreation (land use): See Section 10-1-0310(c)(2).

Addition: Any walled and roofed expansion to the perimeter and/or height of a building in which the addition is connected by a common load-bearing wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Adjacent: Abutting a separate lot.

Agricultural (land use(s)): Any of the following land uses: beekeeping; dairying; raising of poultry of livestock; grazing; raising of grains, vegetables, seed crops, nuts, berries, and fruit; fish farm; fur farm; or other use focused on the raising and harvesting of plants or animals for food, fiber, or other products for consumption.

Agricultural Products Processing (land use): See Section 10-1-0310(b)(25).

Agricultural Recreation (land use): See Section 10-1-0310(b)(23).

Agricultural Stable (land use): See Section 10-1-0310(b)(12).

Agriculture Related Sales, Service, and Supply (land use): See Section 10-1-0310(b)(24).

Air Pollution Standards: See Section 10-1-0814.

Airport (land use): See Section 10-1-0310(f)(2).

Alley: A public or private right-of-way usually of reduced width as compared to a street, primarily intended to provide a secondary means of access to the side or rear of an abutting property fronting upon another street right-of-way and not for the use of through traffic.

Amendment of Zoning Regulations: See Section 10-1-1302.

Amendment of Official Zoning Map: See Section 10-1-1301 and 10-1-1302.

Apartment: See definition of Multi-Family residence.

Appeal: A means for obtaining review of a decision, determination, interpretation, order, or failure to act pursuant to the terms of this Chapter as expressly authorized by the provisions of Section 10-1-1311.

Aquifer: A saturated, permeable, geologic formation that contains, and will yield, significant quantities of water.

Arterial Street: See Street, Arterial.

Artisan Studio (land use): See Section 10-1-0310(d)(3).

Artwork: Means a sculpture, monument or structure erected solely for aesthetic purposes, which in no way identifies a product or business or is used for commercial purposes.

Awning: A shelter projecting from and supported by the exterior wall of a building, constructed of non-rigid materials on a supporting framework.

Banner: A sign made of fabric or any non-rigid material with no enclosing framework.

Basement: A portion of a building located partly underground, but having one-half or less of its floor to ceiling height below the average grade of the adjoining ground.

Bed and Breakfast (land use): See Section 10-1-0310(d)(14).

Bedroom: A room in a residence marketed, designed, or otherwise likely to function primarily for sleeping.

Beekeeping (land use): See Section 10-1-0310(b)(1).

Billboard: An off-premise advertising sign that directs attention to a business, product, or service offered at a location other than on the premises on which the sign is located.

Blanket Variance: A variance which is automatically granted by a provision of this Chapter in order to reduce the creation of certain legal nonconforming situations.

Board of Extraterritorial Zoning Appeals: See Section 10-1-1317.

Boarding House (land use): See Section 10-1-0310(d)(15).

Bufferyard: Any permitted combination of distance, vegetation, fencing and berming which results in a reduction of visual and other interaction with an adjoining property. See Section 10-1-0701.

Building: A structure having a roof and intended for the shelter, housing or enclosure of persons, animals or chattels.

Building, Accessory: A building which:

(a) Is subordinate to and serves a principal structure or a principal use;

(b) Is subordinate in area, extent, and purpose to the principal structure or use served;

(c) Is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Chapter; and

(d) Is customarily incidental to the principal structure or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

Building Coverage: The percentage of a lot covered by principal and accessory buildings, including all structures with a roof.

Building Height: The vertical distance from: the average elevation of the adjoining ground level to the highest point of the cornice of a flat roof, to the deck line of a mansard roof, or to the average height of the tallest gable on a pitched shed or hip roof. Also applies to structures.

Building Administrator: The employee of the Village officially designated to administer the Building Code.

Building, Principal: A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

Building Separation: The narrowest distance between two buildings. See Minimum Building Separation.

Building Size: The total gross floor area of a building. See Maximum Building Size.

Bulk (of a Building): The combination of building height, size, and location on a lot.

Campground (land use): See Section 10-1-0310(d)(16).

Canopy (Building): A rigid multisided structure covered with fabric, metal or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. See Article 9.

Canopy (Freestanding): A rigid multisided structure covered with fabric, metal or other material and supported by columns or posts embedded in the ground.

Caretaker's Residence (land use): A dwelling unit which is used exclusively by the owner, manager, or operator of a principal permitted use and which is located on the same lot as the principal use. See Section 10-1-0310(h)(3).

Cellar: That portion of the building having more than one-half of the floor-to-ceiling height below the average grade of the adjoining ground.

Certificate of Occupancy: See Section 10-1-1308.

Certified Survey Map (CSM): A map intended for the division of not more than four lots, as further defined in Chapter 3 of the Code of Ordinances and Chapter 236 Wis. Stats.

Collector Street: See Street, Collector.

Commercial Animal Service or Boarding (land use): See Section 10-1-0310(d)(13).

Commercial Feed Lot or Poultry Facility (land use): See Section 10-1-0310(b)(4)

Commercial Indoor Lodging (land use): See Section 10-1-0310(d)(17).

Commercial (land use(s)): See Section 10-1-0310(d).

Commercial Wind Energy System (land use): See Section 10-1-0310(g)(3).

Communication Tower (land use): See Section 10-1-0310(g)(4).

Community Character: The impression which an area makes in regard to the type, intensity, density, quality, appearance, and age of development.

Community Garden (land use): See Section 10-1-0310(b)(13).

Community Living Arrangement (land use): See Section 10-1-0310(c)(7).

Company Cafeteria (land use): See Section 10-1-0310(h)(4).

Company Provided On-Site Recreation (land use): See Section 10-1-0310(h)(5).

Composting Facility (land use): See Section 10-1-0310(e)(5).

Comprehensive Plan: The adopted Comprehensive Plan of the Village of Prairie du Sac, as may be from time to time amended.

Conditional Use: A land use which requires a conditional use permit in order to develop. See Section 10-1-0301. See Section 10-1-1304 for applicable procedures.

Condominium Development or Condominium: A real estate development that is legally created as a condominium form of ownership, regardless of land use, pursuant to Chapter 703, Wis. Stats.

Construction, Start Of: The installation of foundation footings and/or materials for road construction.

Contractor's On-Site Equipment Storage (land use): See Section 10-1-0310(i)(4).

Contractor's Project Office (land use): See Section 10-1-0310(i)(3).

Covenants: A contract entered between private parties, or between private parties and public bodies, which constitutes a restriction on the use of real estate for the benefit of one or more parties. Also occasionally referred to as "protective covenants," "articles of covenant," or "deed restrictions."

Cul-de-sac: A street having one end open to through traffic via another intersecting street and the other end permanently terminated for motor vehicle traffic via a turn around, such as a bulb.

Daycare: See family day care home, intermediate day care home, or group day care center.

Dairying (land use): See Section 10-1-0310(b)(2).

Deck: A structure that has no roof or walls and is considered part of a building or structure

Dedication: The transfer of property interest from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee-simple interest, including an easement.

Density: A term used to describe the number of dwelling units per acre.

Developer: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including an option or contract purchaser.

Development: The division of a parcel of land into two or more lots; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Chapter.

Disposal (land use): See Section 10-1-0310(e).

Distribution Center (land use): See Section 10-1-0310(f)(4).

Drainage: The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff, to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation or prevention or alleviation of flooding.

Drive-in Theater: See "Outdoor Commercial Entertainment."

Drive-Thru and Other In-Vehicle Sales or Service (land use): See Section 10-1-0310(d)(9).

Duplex (land use): See Section 10-1-0310(a)(2). Also "Two-Family" dwelling.

Dwelling: A building or one or more portions thereof, containing one or more dwelling units, but not including habitations provided in nonresidential uses such as lodging uses and commercial campgrounds.

Dwelling, Attached: A dwelling joined to another dwelling at one or more sides by a shared wall or walls.

Dwelling, Detached: A dwelling entirely surrounded by open space on the same lot.

Dwelling Unit: A room, or group of rooms, providing or intended to provide permanent living quarters for not more than one family.

Earth Filling/Excavating: See Section 10-1-0802.

Easement: Written authorization, recorded in the Register of Deeds' office, from a landowner authorizing another party to use or access a designated part of the land owner's property for a specified purpose.

Encroachment: Any fill, structure, building, use, or development that advances beyond proper limits.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

Existing Facilities and Land Uses: Pertaining to the wellhead protection regulations, those facilities, practices, or activities existing as of April 1, 2012 and in continuous operation since that date, which may cause or threaten to cause environmental pollution within the WHP Wellhead Protection overlay zoning district. Existing facilities and land uses include but are not limited to the type listed in the Department of Natural Resources' form 3300-215, Public Water Supply Potential Contaminant Use Inventory Form, incorporated herein as if fully set forth.

Explosion Standards: See Section 10-1-0817.

Exterior Communication Device–Large (land use): See Section 10-1-0310(h)(7).

Exterior Communication Device–Small (land use): See Section 10-1-0310(h)(6).

Extraterritorial Area: The area outside of the Village of Prairie du Sac municipal limits in which the Village of Prairie du Sac may exercise extraterritorial powers of planning, land division, official mapping, and/or zoning under Wisconsin Statutes.

Extraterritorial Zoning Jurisdiction: The area outside of the Village of Prairie du Sac municipal limits in which the Village exercises joint zoning authority with the Town of Prairie du Sac, under extraterritorial zoning authority granted by Wisconsin Statutes. Also abbreviated "ETZ."

Façade: The entire building front including the parapet.

Family: An individual or two or more persons, each related by blood, marriage, adoption or guardianship, living together as a single housekeeping unit; or a group of not more than four persons not so related, maintaining a common household in which bathrooms, kitchen facilities, and living quarters are shared.

Family Day Care Home (land use): See Section 10-1-0310(h)(8).

Farm Residence (land use): See Section 10-1-0310(h)(9).

Fencing Standards: See Section 10-1-0804. See also bufferyard standards Section 10-1-0701.

Final Plat: A map for a proposed land division of 5 or more lots presented for Village approval, and, if approved and associated conditions satisfied, will be submitted to the County Register of Deeds for recording.

Fire and Explosion Standards: See Section 10-1-0817.

Fish or Fur Farm (land use): See Section 10-1-0310(b)(7).

Flag: Any fabric, plastic or similar material containing distinctive colors, patterns, or symbols used as a symbol or emblem of any corporation, nation, organization of nations, state, Village, or religious, fraternal, educational or civic organization displayed for noncommercial purposes.

Flicker: The moving shadow created by sun shining on the rotating blades of the wind turbine.

Floodplain and Related Topics: See Section 10-1-0503.

Floodway: The floodway is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.

Floor Area: The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, basements and attached accessory buildings, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking or loading space (decks are not included in this measurement). Measurements shall be made from the inside of the exterior walls and to the center of interior walls.

Floor Area Ratio (FAR): The ratio calculated by dividing the Gross Floor Area of all buildings on a site by the Gross Site Area. See Maximum floor area ratio.

Foot-Candle: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

Forestry (land use): See Section 10-1-0310(b)(9).

Freight Terminal (land use): See Section 10-1-0310(f)(3).

Garage (residential): A detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers or one truck of a rated capacity not in excess of ten thousand (10,000) pounds. Garages do not include temporary enclosures. See also Accessory Residential Structure.

Garage Sale. All general sales open to the public, conducted from or on a residential premises, for the purpose of disposing of personal property, including but not limited to all sales entitled rummage, lawn, yard, porch, room, backyard, patio, estate, or garage sale.

Gas Station: See in-vehicle sales or service.

General Farming (land use): See Section 10-1-0310(b)(8)

General Temporary Outdoor Sales (land use): See Section 10-1-0310(i)(1).

Glare: The brightness of a light source which causes eye discomfort.

Glare Standards: See Section 10-1-0816.

Grazing (land use): See Section 10-1-0310(b)(5)

Greenhouse (land use): See Section 10-1-0310(b)(10)

Green Space: Includes all landscape surfaces, in ground stormwater management facilities, woodlands, and permanently protected natural resource areas that allow ground water infiltration.

Green Space, Protected: Protected green space includes any and all green space within landscape areas, stormwater management ponds or ditches, woodland preservation areas, or protected natural resource area approved as part of a formal Village development approval (such as Site Plan Approval, Conditional Use Permit approval, PUD or TND approval) and/or any permanently protected natural resource areas established by Overlay Zoning Districts, applicable county, state, or federal regulations, or private deed restriction recognized by the Village. For single family residential uses, Two-Family residential uses, and any other use not requiring Site Plan approval, protected green space shall be the minimum required landscape surface ratio plus any permanently protected natural resource area.

Gross Density: The result of dividing the number of dwelling units located on a site by the gross site area. See Maximum gross density.

Gross Floor Area (GFA): The total floor area on all levels of a building.

Gross Site Area (GSA): The total area of a site available for inclusion in calculations of the maximum permitted density or intensity of development.

Group Day Care Center (land use): See Section 10-1-0310(d)(4).

Group Development: See Section 10-1-0302(o).

Habitable Buildings: Any building, or portion thereof used for human habitation.

Hazardous Materials: See Section 10-1-0820.

Heat Standards: See Section 10-1-0816.

Heavy Industrial (land use): See Section 10-1-0310(g)(2).

Height of Structure: See Building Height.

Helipad: A facility without the logistical support provided by a heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, or fueling of helicopters.

Heliport (land use): See Section 10-1-0310(f)(2).

Historic Structure: Any building or portion of a building that is a) listed or eligible for listing on the National or State Registers of Historic Places or b) identified as having historic or architectural significance by a comprehensive survey of historic resources conducted by or with authorization of the Village.

Historic Structure Modification (land use): See Section 10-1-0310(h)(11).

Home Occupation, Minor (land use): See Section 10-1-0310(h)(12).

Home Occupation, Major (land use): See Section 10-1-0310(h)(13).

Hotel: See commercial indoor lodging.

Impervious Surface: Areas designed and installed to prohibit infiltration of stormwater. Homes, buildings, and other structures, as well as concrete, brick, asphalt, and similar paved surfaces are considered impervious. Gravel areas and areas with "landscaped pavers" and "pervious pavement" which are intended for vehicular traffic are considered to be impervious.

Indoor Commercial Entertainment (land use): See Section 10-1-0310(d)(11).

Indoor Intermediate Daycare Home (land use): See Section 10-1-0310(h)(16)

Indoor Institutional (land use): See Section 10-1-0310(c)(3).

Indoor Maintenance Service (land use): See Section 10-1-0310(d)(7).

Indoor Sales or Service (land use): See Section 10-1-0310(d)(5).

Indoor Sales Incidental to Storage or Light Industrial Land Use (land use): See Section 10-1-0310(h)(15).

Indoor Storage or Wholesaling (land use): See Section 10-1-0310(e)(1).

In-Family Suite (land use): See Section 10-1-0310(h)(14).

Infill Development: Development located in areas which are largely developed already, such as a vacant lot or tract of land that is surrounded on three or four sides by previously developed lands.

Institutional (land use(s)): See Section 10-1-0310(c).

Institutional Residential (land use): See Section 10-1-0310(c)(6).

Intensity: A term used to describe the amount of gross floor area or landscaped area, on a lot or site, compared to the gross area of the lot or site.

Intermediate Day Care Home (land use): See Section 10-1-0310(h)(17).

Internally Illuminated Sign: A sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within such sign.

Interpretations: See Section 10-1-1310.

In-Vehicle Sales or Service (land use): See Section 10-1-0310(d)(9).

Joint Extraterritorial Committee: See Section 10-1-1316. Also referred to as the "Joint Committee" throughout the Chapter.

Junkyard or Salvage Yard (land use): See Section 10-1-0310(e)(4).

Land Division: A single division of land resulting in the creation of not more than 4 lots, as further defined in Title 10, Chapter 3 of the Village Municipal Code.

Landscape Points: See Section 10-1-0701.

Landscaped Area: The area of a site which is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced groundcovers, shrubs, bushes, and trees. Landscaped area includes the area located within planted and continually maintained landscaped planters. Landscaped areas do not include stormwater detention ponds unless the approving site plan review authority deems that the design of the facility also meets the aesthetic, screening or other open space requirement applicable to the use or site.

Landscape Surface Area Ratio (LSR): The percentage of the gross site area or lot area which is preserved as permanently protected landscaped area. Stormwater management facilities such as ponds may only be included in this calculation if expressly permitted by the approving site plan review authority (See Landscaped area).

Land Use: The type of development and/or activity occurring on a piece of property.

Large Retail and Commercial Service Development: See Section 10-1-0605.

Lawn Care: See Section 10-1-0702.

Lawn Ornaments: Decorative, human-made objects placed in the yard area of a property, such as statuary, bird baths, bird feeders, sundials, fountains, and similar features. Other yard accessories that serve a more utilitarian or recreational purpose, such as clothes lines, play sets, and trampolines, are not considered lawn ornaments.

Light Industrial Activities Incidental to Indoor Sales or Service (land use): See Section 10-1-0310(h)(17).

Lighting Standards, Exterior: See Section 10-1-0811.

Livestock or Farm Commodity Trucking Service (land use): See Section 10-1-0310(f)(5).

Loading Standards: See Section 10-1-0810.

Local Collector Street: See "Street, Collector."

Local Street: See "Street, Local."

Lot: A tract of land having frontage on a public street or other officially approved means of access, separately described from other lots or tracts of land, and generally intended for one principal building or principal use except where otherwise allowed under this chapter.

Lot Area: The area contained within the property boundaries of a recorded lot, excluding public streets and lands under navigable bodies of water.

Lot, Corner: A lot situated at the junction of and abutting on two or more intersection streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees. Not a "through lot."

Lot Depth: The average distance between the front lot line and the rear lot line of a lot.

Lot Interior: A lot other than a corner lot.

Lot Line: The property line (including the vertical plane established by the line and the ground) bounding a lot, except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying this Chapter.

Lot Line, Front: A lot line which abuts a public or private street right-of-way. In the case of a lot which has two of more street frontages, the lot line along the street from which the house is addressed shall be the front lot line.

Lot Line, Interior Side: Any boundary of a lot which is not a front lot line, a street side lot line, or a rear lot line.

Lot Line, Rear: In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be selected by the property owner.

Lot Line, Street Side: Any lot line which abuts a public or private street right-of-way which is not the front lot line.

Lot of Record: A platted lot or lot described in a certified survey map or in a metes and bounds description which has been approved by the appropriate authorities and has been recorded in the office of the County Register of Deeds.

Lot, Through: A lot having a pair of opposite lot lines abutting two substantially parallel streets (one or more of which may be a portion of a cul-de-sac). and which is not a corner lot.

Lot Width: The maximum horizontal distance between the side lot lines of a lot, measured at a location on the lot that is (a) parallel to the front lot line and (b) at the minimum required front yard. Such minimum required front yard shall be per this Chapter for the associated zoning district, or further towards the rear lot line if so delineated on an approved subdivision plat or certified survey map. See also "Minimum lot width."

Lowest Floor: The lowest enclosed floor (including basement). Any unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosed area is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

Manufactured Home: A home built entirely in the factory under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976. A manufactured home may be constructed of single or multiple sections.

Mature Tree: A tree that is native to the region and non-invasive as determined by the Wisconsin Department of Natural Resources, and is 12 inches or greater in diameter at a height of four feet above grade. However, no tree specifically planted for commercial purposes shall be defined as a mature tree for purposes of this Chapter.

Maximum Accessory Building Coverage: The largest permitted area of all accessory buildings on a lot.

Maximum Floor Area Ratio (FAR): The largest amount of floor area permitted on a lot. See floor area ratio.

Maximum Gross Density (MGD): The maximum number of dwelling units permitted per acre of Gross Site Area. See gross density.

Maximum Height: The maximum height of the highest portion of any structure. See height.

Minimum Building Separation: The narrowest permitted building separation for buildings on the same building lot or site.

Minimum Lot Area (MLA): The minimum size lot permitted within the specified zoning district.

Minimum Lot Width: The smallest permissible lot width for the applicable zoning district.

Minimum Setback: The shortest distance permitted from a front, street side, interior side, or rear property line to a structure.

Minimum Site Area (MSA): The minimum gross site area in which the specified development may occur. See gross site area (GSA).

Mini-Warehouse: See "Personal Storage Facility" (land use).

Mixed Use: Some combination of residential, commercial, industrial, office, institutional, or other land uses within a district or development.

Mobile Home (land use): See Section 10-1-0310(a)(5).

Mobile Home Community (land use): See Section 10-1-0310(a)(6).

Modular Home: Includes homes that are built to State, County, and Village building code standards and consist of one or more modules, panels, and pre-cut sections that are manufactured off-site and are transported to the site for final assembly.

Motel: See "commercial indoor lodging" (land use).

Multi-Family Residence (land use): See Section 10-1-0310(a)(4).

Natural Resource Area, Protected: Resources such as floodways, floodfringes, floodplains, shorelands, shoreland-wetlands, groundwater protected by Federal or State laws and any other resource protected by local, county, state, or federal law.

Natural Resource Overlay Zoning Districts: Zoning districts which primarily identify and regulate the disturbance of areas containing protected natural resources (e.g. floodplains, shorelands, shoreland-wetlands, wellhead protection areas). See Article 5.

Navigable Water: All rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492 (1952), and DeGaynor and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)] For the purposes of this Chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made a determination that the waterway is not, in fact, navigable.

Noise Standards: See Section 10-1-0813.

Nonconforming Lot: See "Substandard Lot."

Nonconforming Sign: A sign that does not conform to the regulations of this ordinance. See Section 10-1-0910.

Nonconforming Site: Any development which was lawfully established prior to August 18, 2011 (the effective date of this Chapter), or a subsequent amendment thereto, but which does not conform to one or

more current site, building, landscape, lighting, or other design regulations within this Chapter. See Section 10-1-1204.

Nonconforming Structure: Any building, or other structure, which was lawfully established prior to August 18, 2011 (the effective date of this Chapter), or a subsequent amendment thereto, but which does not conform to one or more current density, intensity, or bulk regulations within this Chapter. See Section 10-1-1203.

Nonconforming Use: An active and actual use of land, building(s), or structure(s) which was lawfully established prior to August 18, 2011 (the effective date of this Chapter) or subsequent applicable amendment thereto, which has continued as the same use to the present, and which does not comply with all the applicable use regulations of this Chapter. See Section 10-1-1202.

Non-Metallic Mineral Extraction (land use): See Section 10-1-0310(g)(5).

Nonresidential District(s): All districts other than the R-R, R-1-A, R-1-B, R-2, and R-M Districts.

Nonresidential (land use(s)): All uses that are not intended for long term or permanent use as a dwelling unit. Commercial lodging and similar land uses intended for short term occupancy are considered non-residential land uses.

Noxious Matter or Materials: Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

Noxious Materials Standards: See Section 10-1-0818.

Nursery (land use): See Section 10-1-0310(b)(11)

Odor Standards: See Section 10-1-0815.

Office (land use): See Section 10-1-0310(d)(1).

Official Map: A map indicating the location, width, and extent of existing and proposed streets, highways, drainageways, parks, playgrounds, and other public facilities, as adopted by the Village Board pursuant to Chapter 62 Wis. Stats.

Official Zoning Map: The map adopted and designated by the Village as being the "Official Zoning Map," which includes all lands within the Village municipal limits plus all lands within the Extraterritorial Zoning Jurisdiction, and which visually represents the location of Standard Zoning Districts under this Chapter.

Official Overlay Zoning Map: The map adopted and designated by the Village as being the "Official Overlay Zoning Map," which includes all lands within the Village municipal limits plus all lands within the Extraterritorial Zoning Jurisdiction, and which visually represents the location of several Overlay Zoning Districts under this Chapter. Other Overlay Zoning Districts are included on maps prepared, managed, and/or administered by another governmental entity, as indicated on the Official Overlay Zoning Map.

Off-Site Parking Lot (land use): See Section 10-1-0310(f)(1).

On-site: Located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.

On-Site Agricultural Retail (land use): See Section 10-1-0310(b)(14).

On-Site Accessory Parking Lot (land use): See Section 10-1-0310(h)(18).

On-Site Real Estate Sales Office (land use): See Section 10-1-0310(i)(6).

Opacity: The degree to which vision is blocked by bufferyard. Opacity is a measure of complete visual obstruction measured as the percentage of a bufferyard's vertical plane to a height of 6 feet above ground level measured from the property or land use to be screened.

Outdoor Assembly (land use): See Section 10-1-0310(i)(2).

Outdoor Commercial Entertainment (land use): See Section 10-1-0310 (d)(12).

Outdoor Display (land use): See Section 10-1-0310(d)(6).

Outdoor Display Incidental to Indoor Sales (land use): See Section 10-1-0310(h)(20).

Outdoor Institutional (land use): See Section 10-1-0310(c)(4).

Outdoor Maintenance Service (land use): See Section 10-1-0310(d)(8).

Outdoor Storage or Wholesaling (land use): See Section 10-1-0310(e)(2).

Outdoor Storage of Firewood Standards: See Section 10-1-0806.

Outdoor Solid Fuel Furnace (land use): See Section 10-1-0310(h)(21).

Outlot: A parcel of land, other than a lot, so designated on a subdivision plat or certified survey map, which is not intended for building development in the land division without further alteration or combination, except for buildings related to public utility, stormwater, or recreation services.

Overlay Zoning District: A zoning district which imposes uniform restrictions on all properties within its area which are in addition to the restrictions applicable under the standard zoning district covering the same area. See Article 5.

Owner: The person, persons, or entity having the right of legal title to a lot or parcel of land.

Parapet: The extension of a false front or wall above the roofline.

Parcel: Contiguous lands under the control of one owner, whether or not separated by any combination of streets, exterior subdivision boundary lines, or navigable waters.

Parking: The process of bringing a motor vehicle to a stop, and keeping it standing for a prolonged period of time, as opposed to waiting for traffic to clear or signals to change.

Parking Standards: See Section 10-1-0809.

Parking Lot Design Standards: See Section 10-1-0809.

Parking Requirements: For minimum parking requirements individual land uses refer to Section 10-1-0310. For parking design standards, see Section 10-1-0809.

Parking Space Design Standards: See Section 10-1-0809.

Passive Outdoor Public Recreation (land use): See Section 10-1-0310(c)(1).

Penalty: See Section 10-1-1320.

Pennant: A sign made of fabric, plastic or similar material, which may or may not contain distinctive colors, patterns or symbols of a corporation or business, often in series, and usually mounted without a frame and hung from poles and structures to allow movement by air. Such attention-getting displays not specifically defined as a flag or banner is considered a pennant.

Performance Guarantee: A financial guarantee to ensure that all improvements, facilities, or work required by this Chapter will be completed in compliance with the Chapter, regulations and the approved plans and specifications of a development.

Performance Standard: A criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings. See Article 8.

Permanently Protected Green Space: See "Green Space, Protected."

Permitted by Right, Use: See Section 10-1-0301.

Personal or Professional Service(s) (land use): See Section 10-1-0310(d)(2).

Personal Property. Tangible property which is owned, utilized and maintained and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment, or tangible property used in a commercial activity.

Personal Storage Facility (land use): See Section 10-1-0310(e)(3).

Plan Commission: The Plan Commission of the Village of Prairie du Sac. See Section 10-1-1314.

Planned Unit Development (PUD): A designed grouping of varied and compatible land uses, such as housing, recreation, commercial, and industrial uses, all within one contained development or subdivision. As further described and defined in Section 10-1-0204(s) and Article 10.

Plat: A map on which a developer's map for a subdivision or condominium development is presented to the Village for approval.

Porch: A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

Portable Sign: A sign not permanently attached to the ground that is designed to be moved from one location to another.

Portable Storage Container: A portable, weather-resistant storage container designed and used for the temporary storage or shipment of materials, household goods, wares, or merchandise. See Section 10-1-0310(i)(8).

Preliminary Plat: A map showing the salient features of a proposed subdivision submitted for Village approval, and submitted in advance of a final plat.

Principal Building: See Building, principal.

Principal Use: Any and all of the primary uses of a property treated as a use permitted by right or as a conditional use (rather than as an accessory use or a temporary use).

Private Sewage Disposal System: A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same lot as the structure. This term also means an alternative sewage system approved by the State including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different lot than the structure.

Professional Service(s) (land use): See Section 10-1-0310(d)(2).

Public Improvement: Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: streets, roads, alleys or pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Public Service or Utility (land use): See Section 10-1-0310(c)(5).

Railroad Right-of-Way: A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

Raising of Grains, Grass, Vegetables, Seed Crops, Nuts, Berries, and Fruit by One Operator (land use): See Section 10-1-0310(b)(6).

Raising of Poultry or Livestock (land use): See Section 10-1-0310(b)(3).

Real Estate Sign: A sign that is used to offer for sale, lease, or rent the property upon which the sign is placed.

Recorded Lot: See "Lot of record."

Recreational Vehicle: For purposes of this Chapter, includes any of the following: All-terrain motorized vehicles (e.g., "four-wheelers"); golf carts; snowmobiles; water craft (e.g., boats, jet-skis, canoes and kayaks 19 feet or longer); towed, motorized, or truck-mounted campers; motor homes; travel trailers; roof mounted cargo carriers; ice shacks or shanties on wheels; any trailer whether flat-bed or with a chassis-mounted container and for any purpose; or any vehicle or vehicle trailer similar to the above as determined by the Zoning Administrator.

Relocatable Building (land use): See Section 10-1-0310(i)(5).

Required Resource Protection Area (RPA): The area of a site which may not be disturbed by development activity and which must also be reserved as permanently protected green space.

Residential District(s): The R-R, R-1-A, R-1-B, R-2, and R-M zoning districts.

Residential (land use(s)): A land use intended for use as a long term residence whether owner or renter occupied. Includes residential land uses listed in Section 10-1-0310(a). Also includes institutional residential and community living arrangement land uses in any district; accessory residential land uses within residential, business, or agricultural districts; and any approved residential use in a PUD or TND district. Excludes commercial lodging, tourist rooming houses, campgrounds, and similar uses intended for transient lodging.

Residentially Zoned: A property located in a the R-R, R-1-A, R-1-B, R-2, or R-M district, or within any portion of a property in the I-1 district, a PUD district, or a TND district approved exclusively for a residential use.

Restrictive, More (Less): A regulation imposed by this Chapter is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications.

Restaurant: A type of "Indoor Commercial Entertainment" land use in which food and beverages are sold to paying customers for on-site consumption.

Restaurant, Fast Food: A type of "In-Vehicle Sales and Service" use in which food and beverages are sold to customers ordering and/or picking up such food or beverages in vehicles, with or without an option or eat and drink in the premises instead.

Right-of-Way: A public way dedicated or deeded to the Village or other public entity for its intended use, including but not limited to a public street.

Roof Sign: A sign erected upon or over the roof or parapet of any building.

Salvage Yard (land use): See Section 10-1-0310(e)(4).

Sauk Prairie Intergovernmental Cooperation Agreement: An intergovernmental agreement executed among the Village of Prairie du Sac, Town of Prairie du Sac, and Village of Sauk City on December 31, 2009, and from time to time amended, covering various land use, planning, jurisdictional, municipal boundary, and related uses of mutual concern.

Scale (of Development): A term used to describe the gross floor area, height, or volume of a single structure or group of structures.

Seasonal Outdoor Sales of Farm Products (land use): See Section 10-1-0310(i)(7).

Selective Cutting: Removal, destruction, or harvesting of 30 percent or fewer of mature trees or woodlands on a property. See Section 10-1-0703.

Septic Systems: Includes State enabled, County approved on-site waste disposal systems.

Setback: The shortest distance between a building's or structure's exterior and the nearest point on the referenced lot line. See minimum setback.

Sexually-Oriented Land Use (land use): See Section 10-1-0310(d)(19).

Shadow: The outline created on the surrounding area by the sun shining on the wind energy system.

Shoreland and Related Topics: See Section 10-1-0504.

Sign: An emblem, name, identification, description or illustration that is affixed to or appears directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. Definitions, descriptions, and regulations for various types and configurations of signs are found in Article 9 of this Chapter.

Sign, Abandoned: A business sign that is no longer being used in connection with an ongoing business on the lot; the sign is no longer being used because the business is discontinued or the sign has not been maintained in a manner which renders it legible.

Sign, Gross Area of: The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of such sign. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

Signable wall: A front wall, street side wall, or interior or rear side wall with a customer building entrance facing a customer parking lot. No individual wall shall count as more than one signable wall for purposes of determining the allowable number and area of business signs.

Signal Receiving Antenna (Satellite Dishes) Standards: See "exterior communications devices-large."

Single-Family Detached (land use): See Section 10-1-0310(a)(1).

Site Area: See Gross site area.

Site Plan: See Section 10-1-0301. See Section 10-1-1307 for procedures.

Small Solar or Wind Energy System (land use): An energy system which converts solar energy to usable thermal, mechanical, chemical, or electrical energy, or a wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics which will be used primarily to reduce on-site consumption of utility power. A Small Wind Energy System shall not exceed a rated capacity of 60 kW. See Section 10-1-0310(h)(23).

Standard Zoning District: A zoning district that primarily regulates the use of land and intensity or density of such use for lands mapped within that zoning district on the Official Zoning Map. See Section 10-1-0201 and Section 10-1-0204.

Stable, Agricultural (land use): See Section 10-1-0310(b)(17).

Stable, Commercial: A type of Commercial Animal Service or Boarding land use in which horses or other riding animals are kept primary for commercial purposes for persons residing in a different location.

Start of Construction: The date the building permit is issued, provided the actual start of activity was within 365 calendar days of the permit date. The actual start of activity means either the first placement of permanent construction of a structure on the site such as the pouring of a slab or footings, the installation of piles, or the construction of columns. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations; nor does it include the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

Steep Slope: Steep slopes are areas which contain a gradient of 12 percent or greater, (equivalent to a 10 foot elevation change in a distance of 83 feet or less).

Storage (land use(s)): See Section 10-1-0310(e).

Storage Standards: See Section 10-1-0806 and 10-1-0807. Storage standards are also regulated under detailed land use descriptions in Section 10-1-0310 and Article 6.

Stormwater Management Structure/Facility: Includes in ground detention/retention ponds, basins, swales, ditches, stormwater drains, and similar site features or structures. See Section 10-1-0801.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. Neither a basement nor a cellar shall be counted as a story.

Street: Any public or private way that is dedicated or otherwise permanently open to pedestrian, vehicular, and utility use, except where specifically restricted for one or more of those uses.

Street, Arterial: A public street which provides for the movement of relatively heavy traffic to, from, or within the Village's zoning jurisdiction, at times having a secondary function of providing access to abutting land.

Street, Collector: A public street which collects and distributes internal traffic with an developed area, such as a residential neighborhood or business park, generally between a local street and an arterial street, and which provides controlled access to abutting property.

Street, Local: A street that may have little continuity within the Village's zoning jurisdiction and which is primarily designed to provide access to abutting properties.

Street Side Lot Line: See Lot line, front.

Structure: Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excepting public utility fixtures and appurtenances.

Subdivision: The division of a lot, parcel, or tract of land into five or more lots, as further defined in Title 10, Chapter 3 of the Village Municipal Code.

Substandard Lot: A lot of record which lawfully existed prior to this Chapter, which would not conform to the applicable regulations if the lot were to be created under the current provisions of this Chapter. See Section 10-1-1201.

Substantial Improvement: Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:

(a) Any project to improve a structure to comply with existing state or local health, sanitary, or safety code specifications solely necessary to assure safe living conditions; and

(b) Any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society, or listed on the National Register of Historic Places.

Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other non-structural components. (For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.)

Swale: A linear depression in land running downhill or having a marked change in contour direction in which sheet runoff would collect and form a temporary watercourse.

Swimming Pool: See Section 10-1-0805.

Temporary Portable Storage Container (land use): See Section 10-1-0310(i)(8).

Temporary Shelter or Vehicle Shelter: These structures are typically supported by poles, have a fabric roof and/or sides and are usually used to cover automobiles, boats, or recreational vehicles. See Section 10-1-0310(i)(9).

Temporary Use: A land use which is present on a property for a limited and specified period of time. See Section 10-1-1305 and 10-1-1306 for applicable procedures.

Total Height (Wind Turbine): The distance measured from ground level to the blade extended at its highest point.

Townhouse (land use): See Section 10-1-0310(a)(3).

Tourist Rooming House (land use): See Section 10-1-0310 (d)(18).

Toxic Materials Standards: See Section 10-1-0818.

Tower: The monopole or freestanding structure on which the wind turbine and accessory equipment are mounted.

Traditional Neighborhood Development (TND): A development that exhibits several of the following characteristics: alleys, streets laid out in a grid system, buildings oriented to the street, front porches on houses, pedestrian-orientation, mixed land uses, and village squares or greens. See Section 10-1-0204(t) and Article 11.

Two-Family Dwelling (land use): Also "duplex." See Section 10-1-0310(a)(2).

Unnecessary Hardship: The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

Urban Development: Development that is connected to public sanitary sewer and water services.

Use: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Accessory: See Accessory use.

Use, Conditional: See Conditional use.

Use, Principal: See Principal use.

Variance: Permission to depart from the literal requirements of this Chapter granted pursuant to Article 13.

Vehicle Repair and Maintenance Service (land use): See Section 10-1-0310(d)(10).

Vibration standards: See Section 10-1-0812.

Violation: See Section 10-1-1320.

Visibility Standards: See Section 10-1-0808.

Waste Disposal or Composting Facility (land use): See Section 10-1-0310(e)(5).

Waste Materials Standards: See Section 10-1-0819.

Well Field: A piece of land used primarily for the purpose of locating wells to supply a municipal water system.

Wellhead Protection Zoning District: See Section 10-1-0506.

Well Recharge Area: The land area that contributes water to a well by infiltration or water into the subsurface and movement towards the well.

Wetland: An area that is saturated by surface water or groundwater, with vegetation adapted for life under those soil conditions.

Wind Turbine: The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

Woodland: An area or stand of trees with a combined canopy area of one acre or greater, with at least 50 percent of the trees having a diameter of at least six inches at a height of four feet above grade. However, no area or stand of trees specifically planted and grown for commercial purposes, or where the majority of trees are non-native or invasive species, shall be defined as a woodland for purposes of this Chapter. See Section 10-1-0703.

Working Days: Monday, Tuesday, Wednesday, Thursday or Friday; excluding holidays recognized by the Village of Prairie du Sac.

Yard: A required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this Chapter. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

Yard, Front: A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to a depth required in the yard regulations for the district in which such lot is located.

Yard, Interior Side: A yard extending along the side lot line between abutting or adjacent private lots connecting the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.

Yard, Rear: A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

Yard, Street Side: On a corner lot in certain zoning districts, a street side yard extends the full length of a street lot line abutting a public street right-of-way opposite an interior side lot line and other than front lot line. The street side yard extends from the side street lot line to a depth specified in the yard regulations for the district in which the lot is located.

Zero Lot Line Structure: A structure that is built over the property line, where walls separating occupancy units follow lot lines, such as a zero lot line duplex or townhouse.

Zoning Administrator: The person authorized and charged by the Village with the administration of this Chapter. See Section 10-1-1313.

Zoning Board of Appeals: See Section 10-1-1315 and Section 10-1317.

Zoning District(s): See Article 2.

Zoning Map: See "Official Zoning Map."

ARTICLE 2: ESTABLISHMENT OF ZONING DISTRICTS

Section 10-1-0200: Purpose

The geographic area located within the jurisdiction of this Chapter is hereby divided into zoning districts of such number and location as is necessary to achieve compatibility of land uses within each district, to implement the Comprehensive Plan, and to achieve the other purposes of this Zoning Ordinance. This Article addresses Standard Zoning Districts; Overlay Zoning Districts are addressed in Article 5.

Section 10-1-0201: Standard Zoning Districts

For the purpose of this Chapter, all areas within the Village's municipal limits and Extraterritorial Zoning Jurisdiction (See Section 10-1-0009) are hereby divided into the following Standard Zoning Districts:

	Description of District Found in Section…
Agriculture and Conservancy Districts:	
A-P Agricultural Preservation District	10-1-0204(a)
A-H Agricultural Holding District	10-1-0204(b)
A-T Agricultural Transition District	10-1-0204(c)
CON Conservancy District	10-1-0204(d)
Residential Districts:	
R-R Rural Residential District	10-1-0204(e)
R-1-A Single-Family Residential "A" District	10-1-0204(f)
R-1-B Single-Family Residential "B" District	10-1-0204(g)
R-2 Two-Family Residential District	10-1-0204(h)
R-M Multi-Family Residential District	10-1-0204(i)
Business and Industrial Districts:	
B-N Neighborhood Business District	10-1-0204(j)
B-C Central Business District	10-1-0204(k)
B-H Highway Business District	10-1-0204(l)
B-R Rural Business District	10-1-0204(m)
O-R Office and Research District	10-1-0204(n)
M-L Limited Manufacturing District	10-1-0204(o)
M-G General Manufacturing District	10-1-0204(p)
Institutional and Transportation Districts:	
I-1 Institutional District	10-1-0204(q)
AIR Airport District	10-1-0204(r)
Special Districts:	
PUD Planned Unit Development District	10-1-0204(s)
TND Traditional Neighborhood Development District	10-1-0204(t)

Section 10-1-0202: Map of Standard Zoning Districts

Standard Zoning Districts established by this Chapter are shown on the Official Zoning Map and together with all explanatory materials thereon, is hereby made part of this Chapter.

Section 10-1-0203: Interpretation of Zoning District Boundaries

The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Zoning Map of the Village of Prairie du Sac.

(a) Zoning district boundaries shown as following or approximately following the limits of any Village, Town or County boundary shall be construed as following such limits.

(b) Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the centerline of such streets or railroad lines.

(c) Zoning district boundary lines shown as following or approximately following platted lot lines or other property lines as shown on the Village of Prairie du Sac or County of Sauk Tax Maps shall be construed as following such lines.

(d) Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.

(e) Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.

(f) Zoning district boundaries shown as separated from, any of the features listed in paragraphs (a) through (e), above, shall be construed to be at such distances there from as are shown on the Official Zoning Map.

(g) Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Zoning Administrator.

Section 10-1-0204: Description and Purpose of Standard Zoning Districts

The following subsections specify the description and purpose of the Standard Zoning Districts established by this Chapter, establish allowable principal and accessory uses permitted by right or as conditional uses, and reference other applicable regulations.

(a) **A-P Agricultural Preservation District.**

(1) Description and Purpose. The A-P Agricultural Preservation District is intended to maintain and preserve agricultural lands and open space for 15 or more years, as detailed in the Comprehensive Plan and Sauk Prairie Intergovernmental Cooperation Agreement. Because the A-P district is not intended for urban development in this time period, it allows for a wider range of agricultural and related uses than the A-T or A-H districts.

(2) Allowable Land Uses (per Article 3). Allowable principal, accessory, and temporary land uses permitted by right and by conditional use permit in the A-P district are indicated in Figure 10-1-0307. Allowable uses shall be subject to the use regulations applicable to all land uses (Section 10-1-0301 and 10-1-0302) and those applicable to the individual uses established in Section 10-1-0310.

(3) Density, Intensity, and Bulk Regulations (per Article 4). Structures and site development shall comply with the Density, Intensity, and Bulk regulations for the A-P district in Figure 10-1-0402(a) and

Figure 10-1-0402 (b), and shall be subject to the general density, intensity, and bulk regulations of Article 4.

(4) Overlay District Requirements (per Article 5). All lots, uses, structures, and site features within one or more Overlay Zoning Districts shall be subject to the use and bulk requirements of all applicable Overlay Zoning District requirements in addition to those of the underlying A-P district. Where A-P and Overlay District requirements conflict, or the requirements of different overlay districts conflict, the more restrictive requirements shall apply.

(5) Other Requirements.

a. Building and Site Design Standards. Land uses and development shall conform with applicable building and site design requirements of Section 10-1-0602. Agricultural land uses and structures are exempt from these requirements.

b. Landscaping and Green Space Regulations. Land uses and development shall conform with applicable landscaping requirements of Section 10-1-0701. Except for screening requirements specifically required by Article 3, agricultural land uses and structures are exempt from these requirements. All Permanent Green Space Areas and Protected Natural Resource Areas as defined in this Chapter, shall be subject to the requirements of Article 7.

c. Performance Standards. Land uses and development shall comply with applicable performance standards of Article 8. Except where the application of performance standards in Article 8 is specifically made applicable to agricultural and single- and Two-Family residential land uses in this Article, agricultural and single- and Two-Family residential land uses and structures are exempt from these requirements (but residential subdivisions are not exempt).

d. Signs. All signs shall comply with applicable provisions of Article 9.

e. Nonconforming lots, uses, structures, and sites. Any non-conforming situation shall comply with the requirements of Article 12.

(b) **A-H Agricultural Holding District.**

(1) Description and Purpose. The A-H Agricultural Holding District is intended to preserve, for an mid-term period of time, agricultural lands and open space in the path of planned urban development. As detailed the Comprehensive Plan and Sauk Prairie Intergovernmental Cooperation Agreement, annexation and urban development are anticipated in areas zoned A-H within 15 years. Rezoning to another district, the extension of public utilities and services, and annexation to the Village must occur in advance of urban development. Because the A-H district is not expected to develop as soon as lands zoned A-T, a slightly broader range of land uses is allowed in the A-H district.

(2) Allowable Land Uses (per Article 3). Allowable principal, accessory, and temporary land uses permitted by right and by conditional use permit in the A-H district are indicated in Figure 10-1-0307. Allowable uses shall be subject to the use regulations applicable to all land uses (Section 10-1-0301 and 10-1-0302) and those applicable to the individual uses established in Section 10-1-0310.

(3) Density, Intensity, and Bulk Regulations (per Article 4). Structures and site development shall comply with the Density, Intensity, and Bulk regulations for the A-H district in Figure 10-1-0402(a) and Figure 10-1-0402 (b), and shall be subject to the general density, intensity, and bulk regulations of Article 4.

(4) Overlay District Requirements (per Article 5). All lots, uses, structures, and site features within one or more Overlay Zoning Districts shall be subject to the use and bulk requirements of all applicable Overlay Zoning District requirements in addition to those of the underlying A-H district. Where A-H and Overlay District requirements conflict, or the requirements of different overlay districts conflict, the more restrictive requirements shall apply.

(5) Other Requirements.

a. Building and Site Design Standards. Land uses and development shall conform with applicable building and site design requirements of Section 10-1-0602. Agricultural land uses and structures are exempt from these requirements.

b. Landscaping and Green Space Regulations. Land uses and development shall conform with applicable landscaping requirements of Section 10-1-0701. Except for screening requirements specifically required by Article 3, agricultural land uses and structures are exempt from these requirements. All Permanently Green Space Areas and Protected Natural Resource Areas as defined in this Chapter shall be subject to the requirements of Article 7.

c. Performance Standards. Land uses and development shall comply with applicable performance standards of Article 8. Except where the application of performance standards in Article 8 is specifically made applicable to agricultural and single- and two-family residential land uses in this Article, agricultural and single- and two-family residential land uses and structures are exempt from these requirements (but residential subdivisions are not exempt).

d. Signs. All signs shall comply with applicable provisions of Article 9.

e. Nonconforming Lots, Uses, Structures, and Sites. Any non-conforming situation shall comply with the requirements of Article 12.

(c) **A-T Agricultural Transition District.**

(1) Description and Purpose. The A-T Agricultural Transition District is intended to reserve agricultural lands and open space for near-term urban development. As detailed the Comprehensive Plan and Sauk Prairie Intergovernmental Cooperation Agreement, annexation and urban development are anticipated in areas zoned A-T within 5 years. Rezoning to another district, the extension of public utilities and services, and annexation to the Village must occur in advance of urban development. Because the A-T district is contiguous to developed lands within the Village, the range of allowable land uses in advance of urban development is narrow.

(2) Allowable Land Uses (per Article 3). Allowable principal, accessory, and temporary land uses permitted by right and by conditional use permit in the A-T district are indicated in Figure 10-1-0307. Allowable uses shall be subject to the use regulations applicable to all land uses (Section 10-1-0301 and 10-1-0302) and those applicable to the individual uses established in Section 10-1-0310.

(3) Density, Intensity, and Bulk Regulations (per Article 4). Structures and site development shall comply with the Density, Intensity, and Bulk regulations for the A-T district in Figure 10-1-0402(a) and Figure 10-1-0402 (b), and shall be subject to the general density, intensity, and bulk regulations of Article 4.

(4) Overlay District Requirements (per Article 5). All lots, uses, structures, and site features within one or more Overlay Zoning Districts shall be subject to the use and bulk requirements of all applicable Overlay Zoning District requirements in addition to those of the underlying A-T district Where A-T and Overlay District requirements conflict, or the requirements of different overlay districts conflict, the more restrictive requirements shall apply.

(5) Other Requirements.

a. Building and Site Design Standards. Land uses and development shall conform with applicable building and site design requirements of Section 10-1-0602. Agricultural land uses and structures are exempt from these requirements.

b. Landscaping and Green Space Regulations. Land uses and development shall conform with applicable landscaping requirements of Section 10-1-0701. Except for screening requirements

specifically required by Article 3, agricultural land uses and structures are exempt from these requirements. All Permanent Green Space Areas Protected Natural Resource Areas as defined in this Chapter shall be subject to the requirements of Article 7.

c. Performance Standards. Land uses and development shall comply with applicable performance standards of Article 8. Except where the application of performance standards in Article 8 is specifically made applicable to agricultural and single- and Two-Family residential land uses in this Article, agricultural and single- and Two-Family residential land uses and structures are exempt from these requirements (but residential subdivisions are not exempt).

d. Signs. All signs shall comply with applicable provisions of Article 9.

e. Nonconforming Lots, Uses, Structures, and Sites. Any non-conforming situation shall comply with the requirements of Article 12.

(d) **CON Conservancy District.**

(1) Description and Purpose. The CON Conservancy District is intended to prevent intensive development of certain areas designated as "environmental corridors" and "public open spaces" in the Comprehensive Plan; and other open space areas in which land, easements, or covenants have been acquired by public or private entities for purposes of natural resource conservancy, water management, passive public recreation, active public recreation, and/or other open space purposes.

(2) Allowable Land Uses (per Article 3). Allowable principal, accessory, and temporary land uses permitted by right and by conditional use permit in the CON district are indicated in Figure 10-1-0307. Allowable uses shall be subject to the use regulations applicable to all land uses (Section 10-1-0301 and 10-1-0302) and those applicable to the individual uses established in Section 10-1-0310.

(3) Density, Intensity, and Bulk Regulations (per Article 4). Structures and site development shall comply with the Density, Intensity, and Bulk regulations for the CON district in Figure 10-1-0402(a) and Figure 10-1-0402 (b), and shall be subject to the general density, intensity, and bulk regulations of Article 4.

(4) Overlay District Requirements (per Article 5). All lots, uses, structures, and site features within one or more Overlay Zoning Districts shall be subject to the use and bulk requirements of all applicable Overlay Zoning District requirements in addition to those of the underlying CON district. Where CON and Overlay District requirements conflict, or the requirements of different overlay districts conflict, the more restrictive requirements shall apply.

(5) Other Requirements.

a. Building and Site Design Standards. Land uses and development shall conform with applicable building and site design requirements of Section 10-1-0602. Land uses requiring a Conditional Use Permit shall also comply with Section 10-1-1304 shall conform with the requirements of Section 10-1-0602.

b. Landscaping and Green Space Regulations. Land uses and development shall conform with applicable landscaping requirements of Section 10-1-0701. All Permanent Green Space Areas and Permanently Protected Natural Resource Areas as defined in this Chapter shall be subject to the requirements of Article 7.

c. Performance Standards. Land uses and development shall comply with applicable performance standards of Article 8.

d. Signs. All signs shall comply with applicable provisions of Article 9.

e. Nonconforming Lots, Uses, Structures, and Sites. Any non-conforming situation shall comply with the requirements of Article 12.

(e) **R-R Rural Residential District.**

(1) Description and Purpose. The R-R Rural Residential District is intended to permit low density Single-Family residential homes and uses accessory to and compatible with Single-Family homes on private well and septic systems, generally in locations identified under the "Rural Single-Family" future land use category in the Comprehensive Plan. Uses within the R-R district that are annexed into the Village shall be required to connect to public sanitary sewer and water services.

(2) Allowable Land Uses (per Article 3). Allowable principal, accessory, and temporary land uses permitted by right and by conditional use permit in the R-R district are indicated in Figure 10-1-0308. Allowable uses shall be subject to the use regulations applicable to all land uses (Section 10-1-0301 and 10-1-0302) and those applicable to the individual uses established in Section 10-1-0310.

(3) Density, Intensity, and Bulk Regulations (per Article 4). Structures and site development shall comply with the Density, Intensity, and Bulk regulations for the R-R district in Figure 10-1-0403(a) and Figure 10-1-0403 (b), and shall be subject to the general density, intensity, and bulk regulations of Article 4.

(4) Overlay District Requirements (per Article 5). All lots, uses, structures, and site features within one or more Overlay Zoning Districts shall be subject to the use and bulk requirements of all applicable Overlay Zoning District requirements in addition to those of the underlying R-R district. Where R-R and Overlay District requirements conflict, or the requirements of different overlay districts conflict, the more restrictive requirements shall apply.

(5) Other Requirements.

a. Building and Site Design Standards. Land uses and development shall conform with applicable building and site design requirements of Section 10-1-0602. New housing uses within subdivisions in the R-R zoning district shall be subject to the residential variety standards of Section 10-1-0601.

b. Landscaping and Green Space Regulations. Land uses and development shall conform with applicable landscaping requirements of Section 10-1-0701. All Permanent Green Space Areas and Protected Natural Resource Areas, as defined in this Chapter, shall be subject to the requirements of Article 7.

c. Performance Standards. Land uses and development shall comply with applicable performance standards of Article 8.

d. Signs. All signs shall comply with applicable provisions of Article 9.

e. Nonconforming Lots, Uses, Structures, and Sites. Any non-conforming situation shall comply with the requirements of Article 12.

(f) **R-1-A Single-Family Residential "A" District.**

(1) Description and Purpose. The R-1-A Single-Family Residential "A" District is intended to provide for Single-Family detached homes at densities of one-fifth of an acre per dwelling unit or less and uses accessory to and compatible with Single-Family homes in a manner that protects the residential character of the district, generally in certain locations identified under the "Village Single Family" future land use category in the Comprehensive Plan. All uses in this district shall be provided with public sanitary sewer and water services.

(2) Allowable Land Uses (per Article 3). Allowable principal, accessory, and temporary land uses permitted by right and by conditional use permit in the R-1-A district are indicated in Figure 10-1-0308. Allowable land uses shall be subject to the use regulations applicable to all land uses (Section 10-1-0301 and 10-1-0302) and those applicable to the individual uses established in Section 10-1-0310.

(3) Density, Intensity, and Bulk Regulations (per Article 4). Structures and site development shall comply with the Density, Intensity, and Bulk regulations for the R-1-A district in Figure 10-1-0403(a) and Figure 10-1-0403 (b), and shall be subject to the general density, intensity, and bulk regulations of Article 4.

(4) Overlay District Requirements (per Article 5). All lots, uses, structures, and site features within one or more Overlay Zoning Districts shall be subject to the use and bulk requirements of all applicable Overlay Zoning District requirements in addition to those of the underlying R-1-A district. Where R-1-A and Overlay District requirements conflict, or the requirements of different overlay districts conflict, the more restrictive requirements shall apply.

(5) Other Requirements.

a. Building and Site Design Standards. Land uses and development shall conform with applicable building and site design requirements of Section 10-1-0602. New housing shall be subject to the residential variety standards of Section 10-1-0601.

b. Landscaping and Green Space Regulations. Land uses and development shall conform with applicable landscaping requirements of Section 10-1-0701. All Permanent Green Space Areas and Protected Natural Resource Areas, as defined in this Chapter, shall be subject to the requirements of Article 7.

c. Performance Standards. Land uses and development shall comply with applicable performance standards of Article 8.

d. Signs. All signs shall comply with applicable provisions of Article 9.

e. Nonconforming Lots, Uses, Structures, and Sites. Any non-conforming situation shall comply with the requirements of Article 12.

(g) **R-1-B Single-Family Residential "B" District.**

(1) Description and Purpose. The R-1-B Single-Family Residential "B" District is intended to provide for Single-Family detached homes at densities of one-sixth of an acre per dwelling unit or less and uses accessory to and compatible with Single-Family homes in a manner that protects the residential character of the district, generally in certain locations identified under the "Village Single Family" future land use category in the Comprehensive Plan. R-1-B district shall primarily be used for existing Single-Family residential lots that do not comply with the minimum area and/or width requirements of the R-1-A district, and may be applied to new single family residential development in which the Village deems lot dimensions allowed under the R-1-B district appropriate. All uses in this district shall be provided with public sanitary sewer and water services.

(2) Allowable Land Uses (per Article 3). Allowable principal, accessory, and temporary land uses permitted by right and by conditional use in the R-1-B district are indicated in Figure 10-1-0308. Allowable land uses shall be subject to the use regulations applicable to all land uses (Section 10-1-0301 and 10-1-0302) and those applicable to the individual uses established in Section 10-1-0310.

(3) Density, Intensity, and Bulk Regulations (per Article 4). Structures and Site development shall comply with the Density, Intensity, and Bulk regulations for the R-1-B district in Figure 10-1-0403(a)

and Figure 10-1-0403 (b), and shall be subject to the general density, intensity, and bulk regulations of Article 4.

(4) Overlay District Requirements (per Article 5). All lots, uses, structures, and site features within one or more Overlay Zoning Districts shall be subject to the use and bulk requirements of all applicable Overlay Zoning District requirements in addition to those of the underlying R-1-B district. Where R-1-B and Overlay District requirements conflict, or the requirements of different overlay districts conflict, the more restrictive requirements shall apply.

(5) Other Requirements.

a. Building and Site Design Standards. Land uses and development shall conform with applicable building and site design requirements of Section 10-1-0602. New housing shall be subject to the residential variety standards of Section 10-1-0601.

b. Landscaping and Green Space Regulations. Land uses and development shall conform with applicable landscaping requirements of Section 10-1-0701. All Permanent Green Space Areas and Protected Natural Resource Areas, as defined in this Chapter, shall be subject to the requirements of Article 7.

c. Performance Standards. Land uses and development shall comply with applicable performance standards of Article 8.

d. Signs. All signs shall comply with applicable provisions of Article 9.

e. Nonconforming Lots, Uses, Structures, and Sites. Any non-conforming situation shall comply with the requirements of Article 12.

(h) **R-2 Two-Family Residential District.**

(1) Description and Purpose. The R-2 Two-Family Residential District is intended to allow Two-Family residences (duplex, twin-house), Single-Family homes, and uses accessory to and compatible with residential uses in a manner that protects the residential character of the district, generally in locations identified under the "Two Family Residential" future land use category in the Comprehensive Plan. All uses in this district shall be provided with public sanitary sewer and water services.

(2) Allowable Land Uses (per Article 3). Allowable principal, accessory, and temporary land uses permitted by right and by conditional use permit in the R-2 district are indicated in Figure 10-1-0308. Allowable land uses shall be subject to the use regulations applicable to all land uses (Section 10-1-0301 and 10-1-0302) and those applicable to the individual uses established in Section 10-1-0310.

(3) Density, Intensity, and Bulk Regulations (per Article 4). Structures and site development shall comply with the Density, Intensity, and Bulk regulations for the R-2 district in Figure 10-1-0403(a) and Figure 10-1-0403 (b), and shall be subject to the general density, intensity, and bulk regulations of Article 4.

(4) Overlay District Requirements (per Article 5). All lots, uses, structures, and site features within one or more Overlay Zoning Districts shall be subject to the use and bulk requirements of all applicable Overlay Zoning District requirements in addition to those of the underlying R-2 district. Where R-2 and Overlay District requirements conflict, or the requirements of different overlay districts conflict, the more restrictive requirements shall apply.

(5) Other Requirements.

a. Building and Site Design Standards. Land uses and development shall conform with applicable building and site design requirements of Section 10-1-0602. New residential developments shall be subject to the residential variety standards of Section 10-1-0601.

b. Landscaping and Green Space Regulations. Land uses and development shall conform with applicable landscaping requirements of Section 10-1-0701. All Permanent Green Space Areas and Protected Natural Resource Areas, as defined in this Chapter, shall be subject to the requirements of Article 7.

c. Performance Standards. Land uses and development shall comply with applicable performance standards of Article 8.

d. Signs. All signs shall comply with applicable provisions of Article 9.

e. Nonconforming Lots, Uses, Structures, and Sites. Any non-conforming situation shall comply with the requirements of Article 12.

(i) **R-M Multi-Family Residential District.**

(1) Description and Purpose. The R-M Multi-Family Residential District is intended to allow for a range of housing types and uses accessory to and compatible with residential uses in a manner that protects the residential character of the district, generally in locations identified under the "Mixed Residential" future land use category in the Comprehensive Plan. Multi-Family residential structures (townhouses, apartments, or multiplex) consisting of three or more attached dwelling units, Two-Family homes (duplexes, twin houses), and Single-Family detached homes are allowable principal uses. Mobile Home Parks are allowable conditional uses. All uses in this district shall be provided with public sanitary sewer and water services.

(2) Allowable Land Uses (per Article 3). Allowable principal, accessory, and temporary land uses permitted by right and by conditional use permit in the R-M district are indicated in Figure 10-1-0308. Allowable land uses shall be subject to the use regulations applicable to all land uses (Section 10-1-0301 and 10-1-0302) and those applicable to the individual uses established in Section 10-1-0310.

(3) Density, Intensity, and Bulk Regulations (per Article 4). Structures and Site development shall comply with the Density, Intensity, and Bulk regulations for the R-M district in Figure 10-1-0403(a) and Figure 10-1-0403 (b), and shall be subject to the general density, intensity, and bulk regulations of Article 4.

(4) Overlay District Requirements (per Article 5). All lots, uses, structures, and site features within one or more Overlay Zoning Districts shall be subject to the use and bulk requirements of all applicable Overlay Zoning District requirements in addition to those of the underlying R-M district. Where R-M and Overlay District requirements conflict, or the requirements of different overlay districts conflict, the more restrictive requirements shall apply.

(5) Other Requirements.

a. Building and Site Design Standards. Land uses and development shall conform with applicable building and site design requirements of Section 10-1-0602. Land uses requiring a Conditional Use Permit shall also comply with Section 10-1-1304. Group Developments as defined in Section 10-1-0302 shall comply with the design requirements of that section and Section 10-1-0604.

b. Landscaping and Green Space Regulations. Land uses and development shall conform with applicable landscaping requirements of Section 10-1-0701. All Permanent Green Space Areas

and Protected Natural Resource Areas, as defined in this Chapter, shall be subject to the requirements of Article 7.

c. Performance Standards. Land uses and development shall comply with applicable performance standards of Article 8.

d. Signs. All signs shall comply with applicable provisions of Article 9.

e. Nonconforming Lots, Uses, Structures, and Sites. Any non-conforming situation shall comply with the requirements of Article 12.

(j) **B-N Neighborhood Business District.**

(1) Description and Purpose. The B-N Neighborhood Business District is intended to permit small-scale commercial uses and accessory residential uses which are compatible with adjacent residential uses and neighborhood character. District regulations are intended to protect neighborhood character through the restriction of building size, architectural requirements, landscaping requirements, and limitations the range of allowable uses. The B-N district is generally intended for locations identified under the "Neighborhood Business" future land use category and may be appropriate at certain business-intended locations within areas identified under the "Traditional Neighborhood" future land use category in the Comprehensive Plan. In order to minimize disruption to residences, uses within this district shall be adjacent to and where practical take access from collector or arterial streets. All uses in this district shall be provided with public sanitary sewer and water services.

(2) Allowable Land Uses (per Article 3). Allowable principal, accessory, and temporary land uses permitted by right and by conditional use permit in the B-N district are indicated in Figure 10-1-0309. Allowable land uses shall be subject to the use regulations applicable to all land uses (Section 10-1-0301 and 10-1-0302) and those applicable to the individual uses established in Section 10-1-0310.

(3) Density, Intensity, and Bulk Regulations (per Article 4). Structures and site development shall comply with the Density, Intensity, and Bulk regulations for the B-N district in Figure 10-1-0404(a) and Figure 10-1-0404 (b), and shall be subject to the general density, intensity, and bulk regulations of Article 4.

(4) Overlay District Requirements (per Article 5). All lots, uses, structures, and site features within one or more Overlay Zoning Districts shall be subject to the use and bulk requirements of all applicable Overlay Zoning District requirements in addition to those of the underlying B-N district. Where B-N and Overlay District requirements conflict, or the requirements of different overlay districts conflict, the more restrictive requirements shall apply.

(5) Other Requirements.

a. Building and Site Design Standards. Land uses and development shall conform with applicable building and site design requirements of Section 10-1-0602. Land uses requiring a Conditional Use Permit shall also comply with Section 10-1-1304. Group Developments as defined in Section 10-1-0302 shall comply with the design requirements of that section and Section 10-1-0604.

b. Landscaping and Green Space Regulations. Land uses and development shall conform with applicable landscaping requirements of Section 10-1-0701. All Permanent Green Space Areas and Protected Natural Resource Areas, as defined in this Chapter, shall be subject to the requirements of Article 7.

c. Performance Standards. Land uses and development shall conform with applicable performance standards of Article 8

d. Signs. All signs shall comply with applicable provisions of Article 9.

e. Nonconforming Lots, Uses, Structures, and Sites. Any non-conforming situation shall comply with the requirements of Article 12.

(k) **B-C Central Business District.**

(1) Description and Purpose. The B-C Central Business District is intended to permit a range of commercial, institutional, residential, and mixed uses in a manner that preserves and promotes the architectural character and the compact, pedestrian friendly environment of the Village's historic downtown. B-C district requirements are specifically intended to promote comparable renovation, infill, and redevelopment of property through a combination of urban development intensities and downtown design standards. The district is intended to be applied only to the existing downtown, and any areas designated for downtown expansion in the Comprehensive Plan.

(2) Allowable Land Uses (per Article 3). Allowable principal, accessory, and temporary land uses permitted by right and by conditional use permit in the B-C district are indicated in Figure 10-1-0309. Allowable land uses shall be subject to the use regulations applicable to all land uses (Section 10-1-0301 and 10-1-0302) and those applicable to the individual uses established in Section 10-1-0310.

(3) Density, Intensity, and Bulk Regulations (per Article 4). Structures and site development shall comply with the Density, Intensity, and Bulk regulations for the B-C district in Figure 10-1-0404(a) and Figure 10-1-0404(b), and shall be subject to the general density, intensity, and bulk regulations of Article 4.

(4) Overlay District Requirements (per Article 5). All lots, uses, structures, and site features within one or more Overlay Zoning Districts shall be subject to the use and bulk requirements of all applicable Overlay Zoning District requirements in addition to those of the underlying B-C district. Where B-C and Overlay District requirements conflict, or the requirements of different overlay districts conflict, the more restrictive requirements shall apply.

(5) Other Requirements.

a. Building and Site Design Standards. Land uses and development shall conform with applicable building and site design requirements of Section 10-1-0602. All land uses within the B-C zoning district are also subject to the design requirements associated with the DO Downtown Overlay Zoning District. Land uses requiring a Conditional Use Permit shall also comply with Section 10-1-1304. Group Developments as defined in Section 10-1-0302 shall comply with the design requirements of that section and Section 10-1-0604.

b. Landscaping and Green Space Regulations. Land uses and development shall conform with applicable landscaping requirements of Section 10-1-0701. All Permanent Green Space Areas and Protected Natural Resource Areas, as defined in this Chapter, shall be subject to the requirements of Article 7.

c. Performance Standards. Land uses and development shall comply with applicable performance standards of Article 8.

d. Signs. All signs shall comply with applicable provisions of Article 9.

e. Nonconforming Lots, Uses, Structures, and Sites. Any non-conforming situation shall comply with the requirements of Article 12.

(l) **B-H Highway Business District.**

(1) Description and Purpose. The B-H Highway Business District is intended to permit a wide range of large and small scale office, retail, service, and lodging uses, compatible with desired community

character, and subject to architectural, site layout, and landscaping standards. The B-H district is generally intended for locations identified under the "Planned Business" future land use category in the Comprehensive Plan. Generally, land included in the B-H district should abut arterial or major collector streets. Access requirements are intended to minimize any negative traffic impacts on adjacent residential land uses and arterial roadways while ensuring safe and efficient access. All uses in this district shall be provided with public sanitary sewer and water services.

(2) Allowable Land Uses (per Article 3). Allowable principal, accessory, and temporary land uses permitted by right and by conditional use permit in the B-H district are indicated in Figure 10-1-0309. Allowable land uses shall be subject to the use regulations applicable to all land uses (Section 10-1-0301 and 10-1-0302) and those applicable to the individual uses established in Section 10-1-0310.

(3) Density, Intensity, and Bulk Regulations (per Article 4). Structures and site development shall comply with the Density, Intensity, and Bulk regulations for the B-H district in Figure 10-1-0404(a) and Figure 10-1-0404(b), and shall be subject to the general density, intensity, and bulk regulations of Article 4.

(4) Overlay District Requirements (per Article 5). All lots, uses, structures, and site features within one or more Overlay Zoning Districts shall be subject to the use and bulk requirements of all applicable Overlay Zoning District requirements in addition to those of the underlying B-H district. Where B-H and Overlay District requirements conflict, or the requirements of different overlay districts conflict, the more restrictive requirements shall apply.

(5) Other Requirements.

a. Building and Site Design Standards. Land uses and development shall conform with applicable building and site design requirements of Section 10-1-0602. Land uses requiring a Conditional Use Permit shall also comply with Section 10-1-1304. Group Developments as defined in Section 10-1-0302(o) shall comply with the design requirements of that section and Section 10-1-0604. Large Retail and Commercial Service Land Uses as defined in Section 10-1-0302(p) shall comply with the design and use restrictions of that Section and Section 10-1-0605.

b. Landscaping and Green Space Regulations. Land uses and development shall conform with applicable landscaping requirements of Section 10-1-0701. All Permanent Green Space Areas and Protected Natural Resource Areas, as defined in this Chapter, shall be subject to the requirements of Article 7.

c. Performance Standards. Land uses and development shall comply with applicable performance standards of Article 8.

d. Signs. All signs shall comply with applicable provisions of Article 9.

e. Nonconforming Lots, Uses, Structures, and Sites. Any non-conforming situation shall comply with the requirements of Article 12.

(m) **B-R Rural Business District.**

(1) Description and Purpose. The B-R Rural Business District is intended to provide opportunities for agricultural-related businesses in the Extraterritorial Zoning Jurisdiction, beyond those allowed in the A-P district. B-R district requirements are intended to ensure that allowable uses maintain compatibility and do not interfere with surrounding agricultural lands; protect surrounding community character; do not require public sanitary sewer and water services; and do not compete with other business districts. The B-R district is generally intended for locations identified under the "General Business" future land use category in the Comprehensive Plan.

(2) Allowable Land Uses (per Article 3). Allowable principal, accessory, and temporary land uses permitted by right and by conditional use permit in the B-R district are indicated in Figure 10-1-0309. Allowable land uses shall be subject to the use regulations applicable to all land uses (Section 10-1-0301 and 10-1-0302) and those applicable to the individual uses established in Section 10-1-0310.

(3) Density, Intensity, and Bulk Regulations (per Article 4). Structures and site development shall comply with the Density, Intensity, and Bulk regulations for the B-R district in Figure 10-1-0404(a) and Figure 10-1-0404(b), and shall be subject to the general density, intensity, and bulk regulations of Article 4.

(4) Overlay District Requirements (per Article 5). All lots, uses, structures, and site features within one or more Overlay Zoning Districts shall be subject to the use and bulk requirements of all applicable Overlay Zoning District requirements in addition to those of the underlying B-R district. Where B-R and Overlay District requirements conflict, or the requirements of different overlay districts conflict, the more restrictive requirements shall apply.

(5) Other Requirements.

a. Building and Site Design Standards. Land uses and development shall conform with applicable building and site design requirements of Section 10-1-0602. Land uses requiring a Conditional Use Permit shall also comply with Section 10-1-1304. Group Developments as defined in Section 10-1-0302 (o) shall comply with the design requirements of that section and Section 10-1-0604.

b. Landscaping and Green Space Regulations. Land uses and development shall conform with applicable landscaping requirements of Section 10-1-0701. All Permanent Green Space Areas and Protected Natural Resource Areas, as defined in this Chapter, shall be subject to the requirements of Article 7.

c. Performance Standards. Land uses and development shall comply with applicable performance standards of Article 8.

d. Signs. All signs shall comply with applicable provisions of Article 9.

e. Nonconforming Lots, Uses, Structures, and Sites. Any non-conforming situation shall comply with the requirements of Article 12.

(n) **O-R Office and Research District.**

(1) Description and Purpose. The O-R Office and Research District is intended to provide for administrative offices, research and development activities, and testing laboratories, all of which are integrated in a planned development. Also, other business and professional offices, support uses typically found in an office park setting, and very limited industrial uses are allowed. To maintain an attractive setting for uses within the district, extensive landscaped areas and high quality development design are required. The O-R district is intended to be located primarily on or near collector and arterial roads, generally in locations identified under the "Planned Office/Research" future land use category in the Comprehensive Plan. All uses in this district shall be provided with public sanitary sewer and water services.

(2) Allowable Land Uses (per Article 3). Allowable principal, accessory, and temporary land uses permitted by right and by conditional use permit in the O-R district are indicated in Figure 10-1-0309. Allowable land uses shall be subject to the use regulations applicable to all land uses (Section 10-1-0301 and 10-1-0302) and those applicable to the individual uses established in Section 10-1-0310.

(3) Density, Intensity, and Bulk Regulations (per Article 4). Structures and site development shall comply with the Density, Intensity, and Bulk regulations for the O-R district in Figure 10-1-0404(a) and Figure 10-1-0404(b), and shall be subject to the general density, intensity, and bulk regulations of Article 4.

(4) Overlay District Requirements (per Article 5). All lots, uses, structures, and site features within one or more Overlay Zoning Districts shall be subject to the use and bulk requirements of all applicable Overlay Zoning District requirements in addition to those of the underlying O-R district. Where O-R and Overlay District requirements conflict, or the requirements of different overlay districts conflict, the more restrictive requirements shall apply.

(5) Other Requirements.

a. Building and Site Design Standards. Land uses and development shall conform with applicable building and site design requirements of Section 10-1-0602 and Section 10-1-0603. Land uses requiring a Conditional Use Permit shall also comply with Section 10-1-1304. Group Developments as defined in Section 10-1-0302 shall comply with the design requirements of that section and Section 10-1-0604.

b. Landscaping and Green Space Regulations. Land uses and development shall conform with applicable landscaping requirements of Section 10-1-0701. All Permanent Green Space Areas and Protected Natural Resource Areas, as defined in this Chapter, shall be subject to the requirements of Article 7.

c. Performance Standards. Land uses and development shall comply with applicable performance standards of Article 8.

d. Signs. All signs shall comply with applicable provisions of Article 9.

e. Nonconforming Lots, Uses, Structures, and Sites. Any non-conforming situation shall comply with the requirements of Article 12.

(o) **M-L Limited Manufacturing District.**

(1) Description and Purpose. The M-L Limited Manufacturing District is intended to allow primarily indoor industrial, storage, office, and other associated business and support uses. Allowable uses are geared toward activities which are not associated with high levels of noise, odor, particulate emissions, and other potential nuisances. Outdoor uses are limited to those that are accessory to indoor principal uses. Architectural, site design, landscaping, and other requirements are intended to ensure compatibility with nearby residential, institutional, and conservancy uses. The M-L district is generally intended for areas identified within the "Planned Industrial" or "General Industrial" future land use categories in the Comprehensive Plan. All uses in this district shall be provided with public sanitary sewer and water services.

(2) Allowable Land Uses (per Article 3). Allowable principal, accessory, and temporary land uses permitted by right and by conditional use permit in the M-L district are indicated in Figure 10-1-0309. Allowable land uses shall be subject to the use regulations applicable to all land uses (Section 10-1-0301 and 10-1-0302) and those applicable to the individual uses established in Section 10-1-0310.

(3) Density, Intensity, and Bulk Regulations (per Article 4). Structures and site development shall comply with the Density, Intensity, and Bulk regulations for the M-L district in Figure 10-1-0404(a) and Figure 10-1-0404(b), and shall be subject to the general density, intensity, and bulk regulations of Article 4.

(4) Overlay District Requirements (per Article 5). All lots, uses, structures, and site features within one or more Overlay Zoning Districts shall be subject to the use and bulk requirements of all applicable Overlay Zoning District requirements in addition to those of the underlying M-L district. Where M-L and Overlay District requirements conflict, or the requirements of different overlay districts conflict, the more restrictive requirements shall apply.

(5) Other Requirements.

a. Building and Site Design Standards. Land uses and development shall conform with applicable building and site design requirements of Section 10-1-0602. Land uses requiring a Conditional Use Permit shall also comply with Section 10-1-1304.

b. Landscaping and Green Space Regulations. Land uses and development shall conform with applicable landscaping requirements of Section 10-1-0701. All Permanent Green Space Areas and Protected Natural Resource Areas, as defined in this Chapter, shall be subject to the requirements of Article 7.

c. Performance Standards. Land uses and development shall comply with applicable performance standards of Article 8.

d. Signs. All signs shall comply with applicable provisions of Article 9.

e. Nonconforming Lots, Uses, Structures, and Sites. Any non-conforming situation shall comply with the requirements of Article 12.

(p) **M-G General Manufacturing District.**

(1) Description and Purpose. The M-G General Manufacturing District is intended to allow industrial, office, storage, and other supporting uses including those land uses that may require more extensive outdoor storage, freight handling, repair, and maintenance activities than allowed in the M-L district. Allowable uses are geared toward activities which are not associated with high levels of noise, odor, particulate emissions, and other potential nuisances that cannot be adequately fully mitigated on-site. Architectural, site design, landscaping, and other requirements are intended to minimize impacts and potential nuisances to other land uses. The M-G district is generally intended for areas identified under the "General Industrial" future land use category in the Comprehensive Plan, but may also be applicable to areas identified as "Planned Industrial" if a specific development proposal adequately addresses Village design and performance standard concerns. All uses in this district shall be provided with public sanitary sewer and water services.

(2) Allowable Land Uses (per Article 3). Allowable principal, accessory, and temporary land uses permitted by right and by conditional use permit in the M-G district are indicated in Figure 10-1-0309. Allowable land uses shall be subject to the use regulations applicable to all land uses (Section 10-1-0301 and 10-1-0302) and those applicable to the individual uses established in Section 10-1-0310.

(3) Density, Intensity, and Bulk Regulations (per Article 4). Structures and site development shall comply with the Density, Intensity, and Bulk regulations for the M-G district in Figure 10-1-0404(a) and Figure 10-1-0404(b), and shall be subject to the general density, intensity, and bulk regulations of Article 4.

(4) Overlay District Requirements (per Article 5). All lots, uses, structures, and site features within one or more Overlay Zoning Districts shall be subject to the use and bulk requirements of all applicable Overlay Zoning District requirements in addition to those of the underlying M-G district. Where M-G and Overlay District requirements conflict, or the requirements of different overlay districts conflict, the more restrictive requirements shall apply.

(5) Other Requirements.

a. Building and Site Design Standards. Land uses and development shall conform with applicable building and site design requirements of Section 10-1-0602. Land uses requiring a Conditional Use Permit shall also comply with Section 10-1-1304.

b. Landscaping and Green Space Regulations. Land uses and development shall conform with applicable landscaping requirements of Section 10-1-0701. All Permanent Green Space Areas and Protected Natural Resource Areas, as defined in this Chapter, shall be subject to the requirements of Article 7.

c. Performance Standards. Land uses and development shall comply with applicable performance standards of Article 8.

d. Signs. All signs shall comply with applicable provisions of Article 9.

e. Nonconforming Lots, Uses, Structures, and Sites. Any non-conforming situation shall comply with the requirements of Article 12.

(q) **I-1 Institutional District.**

(1) Description and Purpose. The I-1 Institutional District is intended to allow by right and conditional use permit a range of institutional uses, whether for public, non-profit, or for-profit entities. The I-1 district is generally intended for areas identified under the "Institutional/Transportation" and related future land categories in the Comprehensive Plan, but application of this zoning district may be warranted for properties in other related future land use categories. I-1 district regulations are intended to ensure compatibility between the specific intended institutional use and existing or planned surrounding zoning districts. Except where mapped outside the Village, all uses in this district shall be provided with public sanitary sewer and water services.

(2) Allowable Land Uses (per Article 3). Allowable principal, accessory, and temporary land uses permitted by right and by conditional use permit in the I-1 district are indicated in Figure 10-1-0309. Allowable land uses shall be subject to the use regulations applicable to all land uses (Section 10-1-0301 and 10-1-0302) and those applicable to the individual uses established in Section 10-1-0310.

(3) Density, Intensity, and Bulk Regulations (per Article 4). Structures and site development shall comply with the Density, Intensity, and Bulk regulations for the I-1 district in Figure 10-1-0404(a) and Figure 10-1-0404(b), and shall be subject to the general density, intensity, and bulk regulations of Article 4.

(4) Overlay District Requirements (per Article 5). All lots, uses, structures, and site features within one or more Overlay Zoning Districts shall be subject to the use and bulk requirements of all applicable Overlay Zoning District requirements in addition to those of the underlying I-1 district. Where I-1 and Overlay District requirements conflict, or the requirements of different overlay districts conflict, the more restrictive requirements shall apply.

(5) Other Requirements.

a. Building and Site Design Standards. Land uses and development shall conform with applicable building and site design requirements of Section 10-1-0602. Land uses requiring a Conditional Use Permit shall also comply with Section 10-1-1304. Group Developments as defined in Section 10-1-0302(o) shall comply with the design requirements of that section and Section 10-1-0604.

b. Landscaping and Green Space Regulations. Land uses and development shall conform with applicable landscaping requirements of Section 10-1-0701. All Permanent Green Space Areas and Protected Natural Resource Areas, as defined in this Chapter, shall be subject to the requirements of Article 7.

c. Performance Standards. Land uses and development shall comply with applicable performance standards of Article 8.

d. Signs. All signs shall comply with applicable provisions of Article 9.

e. Nonconforming Lots, Uses, Structures, and Sites. Any non-conforming situation shall comply with the requirements of Article 12.

(r) **AIR Airport District.**

(1) Description and Purpose. The AIR Airport District is intended to provide for land uses essential to and compatible with a small, "Basic Utility –B" airport (classified by the Wisconsin State Airport Plan 2020 and the State of Wisconsin Connections 2030 State-wide Long Range Transportation Plan), serving predominantly small piston-engine aircraft with a gross weight under 12,500 pounds. The AIR district is intended for specifically for a unique area northeast of the intersection of Highways 12 and PF identified as "Institutional /Transportation" future land use category in the Comprehensive Plan associated with the existing airport.

(2) Allowable Land Uses (per Article 3). Allowable principal, accessory, and temporary land uses permitted by right and by conditional use permit in the AIR district are indicated in Figure 10-1-0309. Allowable land uses shall be subject to the use regulations applicable to all land uses (Section 10-1-0301 and 10-1-0302) and those applicable to the individual uses established in Section 10-1-0310.

(3) Density, Intensity, and Bulk Regulations (per Article 4). Structures and site development shall comply with the Density, Intensity, and Bulk regulations for the AIR district in Figure 10-1-0404(a) and Figure 10-1-0404(b), and shall be subject to the general density, intensity, and bulk regulations of Article 4.

(4) Overlay District Requirements (per Article 5). All lots, uses, structures, and site features within one or more Overlay Zoning Districts shall be subject to the use and bulk requirements of all applicable Overlay Zoning District requirements in addition to those of the underlying AIR district. Where AIR and Overlay District requirements conflict, or the requirements of different overlay districts conflict, the more restrictive requirements shall apply.

(5) Other Requirements.

a. Building and Site Design Standards. Land uses and development shall conform with applicable building and site design requirements of Section 10-1-0602. Land uses requiring a Conditional Use Permit shall also comply with Section 10-1-1304.

b. Landscaping and Green Space Regulations. Land uses and development shall conform with applicable landscaping requirements of Section 10-1-0701. All Permanent Green Space Areas and Protected Natural Resource Areas, as defined in this Chapter, shall be subject to the requirements of Article 7.

c. Performance Standards. Land uses and development shall comply with applicable performance standards of Article 8.

d. Signs. All signs shall comply with applicable provisions of Article 9.

e. Nonconforming Lots, Uses, Structures, and Sites. Any non-conforming situation shall comply with the requirements of Article 12.

(s) **PUD Planned Unit Development District.**

(1) Description and Purpose. The PUD Planned Unit Development District is intended to provide for developments that require greater flexibility than allowed within Standard Zoning Districts in order forward one or more Village community or economic development objectives, such as redevelopment of blighted or underutilized property, creation of affordable workforce or special needs housing, and innovative approaches to environmentally sustainable design. The PUD district is not intended allow circumvention of improvements deemed necessary to the future orderly growth and development of the Village or improvements deemed necessary to the welfare of future occupants of the PUD. To ensure that the PUD district forwards objectives of the Comprehensive Plan, all land uses, development intensities, and site design elements must be specified in accordance with the procedures set forth in Article 10 of the Chapter. All uses in this district shall be provided with public sanitary sewer and water services.

(2) Allowable principal, accessory, and temporary uses; density, intensity, and bulk requirements; building, site, landscaping; performance standards, and sign regulations shall be in accordance with Article 10 of this Chapter.

(t) **TND Traditional Neighborhood Development District.**

(1) Description and Purpose. The TND Traditional Neighborhood Development District is intended to allow desirable and innovative variations in the mix and relationship of uses, structures, and open spaces in neighborhood developments that are conceived and implemented as cohesive, unified projects. The TND district is intended for certain areas identified under the "Traditional Neighborhood" future land use category in the Comprehensive Plan. All uses in this district shall be provided with public sanitary sewer and water services. This district is intended to promote the development of land consistent with the following traditional neighborhood design principles:

a. Creates an environment that promotes human interaction, a healthy civic life, a sense of place, and a high-quality living environment;

b. Compact and reflects the character of historic development patterns in the Village;

c. Designed for the human scale and for walkability;

d. Provides a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another, along with a vertical mixing of uses in multi-story buildings;

e. Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;

f. Incorporates a system interconnected streets with sidewalks and paths that offer multiple routes for motorists, pedestrians, and bicyclists within and through the neighborhood;

g. Retains, to the extent reasonably practical, existing buildings with historical or architectural features that enhance the visual character of the community;

h. Incorporates significant environmental features into the design; and

i. Consistent with the Comprehensive Plan.

(2) Allowable principal, accessory, and temporary uses; density, intensity, and bulk requirements; building, site, landscaping; performance standards, and sign regulations shall be in accordance with Article 11 of this Chapter.

ARTICLE 3: LAND USE REGULATIONS

Section 10-1-0300: Purpose

The purpose of this Article is to indicate which land uses may locate in each Standard Zoning District and under what requirements. Certain land uses may locate in a given district as a matter of right, while others may require a conditional or temporary use permit, upon compliance with applicable regulations of this Chapter.

Section 10-1-0301: Regulation of Allowable Uses

The allowable land uses for each of the Standard Zoning Districts established in Article 2 of this Chapter are listed in Figure 10-1-0307, Figure 10-1-0308, and Figure 10-1-0309. Detailed descriptions and regulations for uses listed in the tables are found in Section 10-1-0310: Detailed Land Use Descriptions and Regulations. Even if a land use may be indicated as permitted by right or requiring a conditional use in a particular district, such a land use may not necessarily be permitted or permissible on any or every property in such district. No land use is permitted or permissible on a property unless it can be located or implemented on it in full compliance with all of the applicable standards and regulations of this Chapter, or unless an appropriate variance has been granted pursuant to Section 10-1-1309.

(a) **Principal Land Uses Permitted by Right.** Principal land uses listed as permitted by right (designated by the letter "P" in Figure 10-1-0307, Figure 10-1-0308, and Figure 10-1-0309) are permitted per the general land use requirements of this Article; per Section 10-1-0310: Detailed Land Use Descriptions and Regulations; per the applicable density, intensity, and bulk regulations of the specific zoning district in which they are located; per any additional requirements imposed by applicable Overlay Zoning Districts; per all other applicable requirements of this Chapter; and per any and all other applicable regulations of the Village and other units of government. Except for agricultural structures and residences in the extraterritorial zoning jurisdiction, all uses shall require a zoning permit per Section 10-1-1303.

(b) **Principal Land Uses Permitted as Conditional Uses.** Principal land uses allowed only with a Conditional Use Permit (designated by the letter "C" in Figure 10-1-0307, Figure 10-1-0308, and Figure 10-1-0309) may be permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (a), above, plus any additional requirements applicable to that particular land use imposed as part of the Conditional Use Permit process established in Section 10-1-1304. Each application for, and instance of, a conditional use shall be considered a unique situation and shall not be construed as precedence for similar requests. Except as otherwise approved under a General Development Plan and Specific Implementation Plan in a TND or PUD District, all uses requiring a Conditional Use Permit shall comply with the procedural requirements of 10-1-1304.

(c) **Accessory Land Uses Allowed as Permitted or Conditional Uses.** Accessory land uses are allowed subject to all the requirements and exemptions applicable to principal land uses permitted by right as listed in Subsection (a). Accessory land uses allowed only with a Conditional Use Permit are subject to all the requirements and exemptions applicable to principal land uses requiring a Conditional Use Permit as listed in Subsection (b). No accessory structure or use shall be constructed on any lot prior to establishment of an allowable principal use, unless otherwise stated in this Chapter.

(d) **Temporary Land Uses.** Temporary land uses (designated by the letter "T" in Figure 10-1-0307, Figure 10-1-0308, and Figure 10-1-0309) are allowed on a temporary basis subject to permitting requirements Section 10-1-1305 of this Chapter.

(e) **Unlisted Land Uses.** Proposed land uses that do not appear to be encompassed by one of the land uses listed in Figure 10-1-0307, Figure 10-1-0308, or Figure 10-1-0309 are not necessarily excluded from locating within any given zoning district. The Zoning Administrator is authorized to determine that such an "unlisted" land use is similar enough to one of the land uses listed in Figure 10-1-0307, Figure 10-1-

0308, or Figure 10-1-0309 to have the same permitted-by-right, conditional, temporary, or prohibited status of that listed use. The Zoning Administrator may consult with the Plan Commission or Joint Extraterritorial Committee prior to making such a determination.

Section 10-1-0302: Regulations Applicable to All Land Uses

(a) **Land Use Regulations and Requirements.** All uses of land shall comply with all the regulations and requirements of this Chapter, pertaining to the types of uses allowed within particular Standard Zoning Districts. Such regulations and requirements address both general and specific regulations which land uses shall adhere to; and which are directly related to the protection of the health, safety and general welfare of the residents of the Village and its Extraterritorial Zoning Jurisdiction.

(b) **Density, Intensity, and Bulk Regulation Requirements.** All development and use of land shall comply with all the applicable requirements of Article 4 of this Chapter pertaining to the maximum permitted density, intensity, and bulk regulations.

(c) **Overlay District Requirements.** All land use and/or development of land shall comply with all the regulations and requirements of this Chapter as established under any applicable Overlay Zoning Districts in Article 5 of this Chapter.

(d) **Building and Site Design Standards.** All new, remodeled, and expanded development shall comply with applicable building and site design guidelines as required in Article 3 and Article 6 of this Chapter. Agricultural land uses and structures are exempt from these requirements.

(e) **Landscape and Preservation Regulations.** All new, remodeled, and expanded development shall comply with all the regulations and requirements of Article 7 of this Chapter, pertaining to the preservation of woodlands and mature trees and provision of landscaping and bufferyards. Except for screening requirements specifically required by Article 3, agricultural land uses and structures are exempt from these requirements.

(f) **Performance Standards.** All land uses and development of land shall comply with applicable requirements established in Article 8 of this Chapter, pertaining to the provision of appropriate access, parking, loading, storage, lighting as well as defining acceptable levels of potential nuisances such as noise, vibration, odors, heat, glare and smoke. Except where the application of performance standards is specifically made applicable to agricultural uses in Article 8, agricultural land uses and structures are exempt from these requirements.

(g) **Signage Regulations.** All land use and development of land shall comply with all requirements of Article 9, pertaining to the type and amount of signage permitted on property.

(h) **PUD Planned Unit Development District Requirements.** All use and/or development of land within a Planned Unit Development shall comply with all requirements of Article 10.

(i) **TND Traditional Neighborhood Development District Requirements.** All use and/or development of land within a Traditional Neighborhood Development shall comply with the requirements of Article 11.

(j) **Nonconforming Lots, Uses, Structures, and Site Requirements.** Land uses not in conformance with the applicable requirements of the applicable zoning district shall be subject to the special limitations and exceptions as established in Article 12. Land uses located on substandard lots or on non-conforming lots or in non-conforming structures shall comply with all the regulations and requirements of Article 12.

(k) **Procedural Regulations and Requirements.** All development of land shall comply with all requirements of Article 13, pertaining to the procedures necessary to secure review and approval of land use and/or development. Such regulations and restrictions address both procedural and technical requirements.

(l) **Site Plan Review Required.** All development activities or uses of land that result in construction, reconstruction, exterior remodeling, or expansion of structures, parking lots, loading areas, or outdoor storage areas are subject to site plan review and approval in accordance with Section 10-1-1307 of this Chapter, except for the following:

(1) Single-Family and Two-Family residential uses and buildings on individual lots in any zoning district, along with their accessory uses and buildings.

(2) Uses for which Specific Implementation Plan in a TND or PUD District has been approved in accordance with the procedures of Article 10 or 11, provided that the Specific Implementation Plan provides a similar level of detail and range of plans as a typical site plan submittal required under this Chapter.

(3) Agricultural land uses and structures in any agricultural zoning district, along with their accessory uses and buildings.

(4) Minor accessory structures or improvements which are less than 120 square feet in area, or, in the opinion of the Zoning Administrator, do not warrant site plan approval due to their insignificance on the landscape and to surrounding properties.

(m) **Number of Principal Buildings Per Lot.** In the R-R, R-1-A, R-1-B, and R-2 Districts, only one principal building shall be permitted on any one lot. In all other zoning districts, more than one principal building may be permitted on any one lot with Site Plan approval under Section 10-1-1307, if consistent with the associated approval criteria in Section 10-1-1307(e).

(n) **Non-Residential and Residential Uses in Buildings.** With the exception of "Accessory Dwelling Units", "Home Occupation", "Expanded Home Occupation" and "Caretaker Residence" land uses, no building containing a non-residential land use shall contain a residential land use.

(o) **Group Developments.**

(1) Description. A Group Development is any development outside of a PUD district or TND district that is comprised of a lot with any of the following:

a. A single principal structure with a Gross Floor Area of 5,000 square feet or more housing two or more non-residential uses or leasable tenants spaces OR a mixed use structure that contains one or more non-residential uses and one or more residential use (other than an approved Caretaker Residence associated with the non-residential use);

b. Two or more principal Multi-Family residential structures with a total of six or more residential units;

c. Two or more principal structures with a combined Gross Floor Area of 5,000 square feet or greater, whether currently serving a single use or more than one use;

d. Any building additions or addition of principal buildings that bring the total Gross Floor Area of the all principal structures to 5,000 square feet or greater, or increases the total number of principal structures to two or more. The regulations in this Section shall apply to the building addition and to the older portions of the building constructed prior to the adoption of this Section and to the site.

(2) Use Regulations.

a. A Group Development is subject to all of the use and other regulations of the applicable zoning district or other parts of this Chapter.

b. Each specific land use listed as a conditional use in the zoning district shall be permitted within the Group Development only following Conditional Use Permit approval for that specific use. Such Conditional Use Permit approval shall be required regardless of whether said specific listed conditional use is proposed at the same time as the Group Development or later.

c. All site development occurring within a Group Development shall be located so as to comply with the applicable requirements of this Chapter regarding but not limited to: density, intensity, bulk, setbacks, building separation, building and site design standards, landscaping and green space preservation, access, parking, loading, unloading, other performance standards, and signage.

d. The entire development shall provide for full and safe pedestrian and bicycle access within the development, which shall include appropriate connections to the existing and planned pedestrian and bicycle facilities in the community and in surrounding neighborhoods; sidewalk connections to all building entrances from all public streets; secure bicycle parking and pedestrian furniture in appropriate quantities and locations; and a central pedestrian gathering area.

e. The development shall contain a sufficient number of waste bins to accommodate all trash and recyclable materials generated by the land uses in a convenient manner and in accordance with the building design and performance standards of this Chapter.

f. A Group Development also meeting the description for Large Retail and Commercial Service Development shall also meet all of the Large Retail and Commercial Service Development standards in Subsection (p) below and in Section 10-1-0605.

(p) **Large Retail and Commercial Service Developments.**

(1) Description. A Large Retail and Commercial Service Development is a development comprised of one or more contiguous lots or building sites for a single retail or commercial service enterprise or multiple such enterprises within which the total combined Gross Floor Area of all indoor retail and/or commercial activities, associated enclosed storage, and associated outdoor display exceeds 20,000 square feet. The requirements of this Section are applicable to all new Large Retail and Commercial Service Developments and any establishment or group of establishments altered or expanded after August 18, 2011 that meet the above threshold requirement.

(2) Use Regulations.

a. Large Retail and Commercial Service Developments shall require a Conditional Use Permit within any district in which they are allowed. A separate Conditional Use Permit is not required where such developments are part of a PUD district or TND district. All additions to structures, parking, or storage areas that are part of an approved Large Retail and Commercial Service Development shall require an amendment to the Conditional Use Permit.

b. Subsequent changes to individual land uses listed as permitted uses within the applicable zoning district are permitted without amendment to the Large Retail and Commercial Development Conditional Use Permit, unless said Conditional Use Permit placed restrictions on change of use.

c. Subsequent individual land uses allowed only Conditional Use Permit in the zoning district may be allowed only under subsequent Conditional Use Permit for the specific use, regardless of whether said use entails modifications to the building and/or site layout.

d. Large Retail and Commercial Service Developments are subject to all of the use and other regulations of the applicable zoning district or other parts of this Chapter and Large Retail and Commercial Developments shall comply with all of the requirements of Section 10-1-0605.

Section 10-1-0303 through Section 10-1-0306 Reserved For Future Use

Section 10-1-0307- Section 10-1-0309

FIGURE 10-1-0307: ALLOWABLE USES IN AGRICULTURAL AND CONSERVANCY DISTRICTS				
P= Permitted Use; C=Requires a Conditional Use Permit; N= Not Permitted; T=Allowed only as a Temporary Use by Permit per Section 10-1-1305				
Land Use	**Zoning District**			
	A-P	**A-H**	**A-T**	**CON**
Residential Land Uses (see Section 10-1-0310(a)(#))				
(1) New Single Family Detached (max. of 1 residence per 35 acres, including existing).	C	N	N	N
(1a) Single Family Detached (if legally constructed prior to August 18, 2011)	P	P	P	N
Agricultural Land Uses (see Section 10-1-0310(b)(#))				
(1) Beekeeping	P	P	P	C
(2) Dairying	P	P	C	N
(3) Raising of Poultry or Livestock	P	P	C	N
(4) Commercial Feed Lot or Poultry Facility	C	N	N	N
(5) Grazing	P	P	C	C
(6) Raising of Grains, Grass, Vegetables, Seed Crops, Nuts, Berries and Fruit by One Operator	P	P	P	C
(7) Fish or Fur Farm	C	N	N	N
(8) General Farming (not listed in 1-7 above)	P	P	P	C
(9) Forestry	P	P	C	C
(10) Greenhouse	P	P	P	C
(11) Nursery	P	P	P	N
(12) Agricultural Stable	P	P	C	C
(13) Community Garden	P	P	P	P
(14) On-site Agricultural Retail	P	C	N	N
Institutional Land Uses (see Section 10-1-0310(c)(#))				
(1) Passive Outdoor Public Recreation	P	P	C	P
(2) Active Outdoor Public Recreation	P	P	C	P
(3) Indoor Institutional (government only)	C	N	N	C
(4) Outdoor Institutional (cemetery only)	C	C	N	N
(5) Public Service or Utility	C	C	C	C

FIGURE 10-1-0307: ALLOWABLE USES IN AGRICULTURAL AND CONSERVANCY DISTRICTS				
P= Permitted Use; C=Requires a Conditional Use Permit; N= Not Permitted; T=Allowed only as a Temporary Use by Permit per Section 10-1-1305				
Land Use	**Zoning District**			
	A-P	**A-H**	**A-T**	**CON**
Commercial Land Uses (see Section 10-1-0310(d)(#))				
(13) Commercial Animal Service or Boarding	C	C	C	N
(14) Bed and Breakfast	C	C	C	N
(16) Campground	N	N	N	C
(18) Tourist Rooming House	N	N	N	C
Storage or Disposal Land Uses (see Section 10-1-310(e)(#))				
(5) Waste Disposal or Composting Facility	C	C	C	N
Industrial Land Uses (see Section 10-1-0310(g)(#))				
(4) Communications Tower	C	C	C	C
(5) Non Metallic Mineral Extraction	C	C	C	N
Accessory and Miscellaneous Land Uses (see section 10-1-0310(h)(#))				
(2) Accessory Residential Structure (Detached)	P	P	P	N
(6) Exterior Communication Device-Small	P	P	P	P
(7) Exterior Communication Device-Large	C	C	C	N
(8) Family Day Care (4-8 Children)	P	P	P	C
(9a) 1st Farm Residence	P	P	P	C
(9b) 2nd Farm Residence (deed restricted to farm workers only)	P	C	N	N
(10) Geothermal Energy System (GES)	P	P	P	P
(11) Historic Structure Modification	C	C	C	C
(12) Home Occupation, Minor	P	P	P	C
(13) Home Occupation, Major	C	C	C	N
(18) On-Site Accessory Parking Lot	C	C	C	C
(22) Accessory Farm or Forestry Structure	P	P	P	C
(23) Small Solar or Wind Energy System	P	P	P	C
Temporary Land Uses (see section 10-1-0310(i)(#))				
(2) Outdoor Assembly	T	T	T	T
(4) Contractors On-Site Equipment Storage Facility	T	T	T	T

FIGURE 10-1-0307: ALLOWABLE USES IN AGRICULTURAL AND CONSERVANCY DISTRICTS				
P= Permitted Use; C=Requires a Conditional Use Permit; N= Not Permitted; T=Allowed only as a Temporary Use by Permit per Section 10-1-1305				
Land Use	**Zoning District**			
	A-P	**A-H**	**A-T**	**CON**
(7) Seasonal Outdoor Sales of Farm Products	T	T	T	N
(8) Temporary Portable Storage Container	T	T	T	T

FIGURE 10-1-0308: ALLOWABLE USES IN RESIDENTIAL ZONING DISTRICTS					
P=Permitted Use; C=Requires a Conditional Use Permit; N= Not Permitted; T=Allowed only as a Temporary Use by Permit per Section 10-1-1305					
Land Use	**Zoning District**				
	R-R	**R-1-A**	**R-1-B**	**R-2**	**R-M**
Residential Land Uses (see Section 10-1-0310(a)(#))					
(1) Single-Family Detached	P	P	P	P	P
(2) Two-Family (Duplex)	N	N	C	P	P
(3) Townhouse	N	N	N	N	P
(4) Multi-Family Residence (3-8 unit)	N	N	N	N	P
(4) Multi-Family Residence (9-16 unit)	N	N	N	N	C
(5) Mobile Home (part of mobile home community)	N	N	N	N	C
(6) Mobile Home Community	N	N	N	N	C
Agricultural Land Uses (see Section 10-1-0310(b)(#))					
(5) Raising of Grains, Grass, Vegetables, Seed Crops, Nuts, Berries and Fruit by One Operator	P	C	C	C	C
(11) Stable	C	N	N	N	N
(13) Community Garden	C	C	C	C	C
Institutional Land Uses (see Section 10-1-0310(c)(#))					
(1) Passive Outdoor Public Recreation	P	P	P	P	P
(2) Active Outdoor Public Recreation	P	P	P	P	P
(3) Indoor Institutional (Small-scale)	C	C	C	C	P
(3) Indoor Institutional (Large-scale)	N	N	N	N	C
(7) Community Living Arrangement (1-8 Residents)	P	P	P	P	P
(7) Community Living Arrangement (9-15 Residents)	C	C	C	C	P
(7) Community Living Arrangement (16+ Residents)	C	C	C	C	C
Commercial Land Uses (see Section 10-1-0310(d)(#))					
(5) Indoor Sales or Service	C	C	N	N	C
(14) Bed and Breakfast	C	C	C	C	C
(18) Tourist Rooming House	C	N	N	N	N
Industrial Land Uses (see Section 10-1-0310(g)(#))					
(4) Communications Tower	C	C	C	C	C

FIGURE 10-1-0308: ALLOWABLE USES IN RESIDENTIAL ZONING DISTRICTS					
P=Permitted Use; C=Requires a Conditional Use Permit; N= Not Permitted; T=Allowed only as a Temporary Use by Permit per Section 10-1-1305					
Land Use	**Zoning District**				
	R-R	**R-1-A**	**R-1-B**	**R-2**	**R-M**
Accessory and Miscellaneous Land Uses (see Section 10-1-0310(h)(#))					
(2) Accessory Residential Structure (Detached)	P	P	P	P	P
(6) Exterior Communication Device – Small	P	P	P	P	P
(7) Exterior Communication Device – Large	C	C	C	C	C
(8) Family Day Care (4-8 Children)	P	P	P	P	P
(10) Geothermal Energy System (GES)	P	P	P	P	P
(11) Historic Structure Modification	C	C	C	C	C
(12) Home Occupation, Minor	P	P	P	P	P
(13) Home Occupation, Major	C	C	C	C	C
(14) In-Family Suite	P	P	P	P	N
(16) Indoor Intermediate Day Care Home (9-15 Children)	C	C	C	C	P
(18) On-Site Accessory Parking Lot	P	P	P	P	P
(21) Outdoor Solid Fuel Furnace	N	N	N	N	N
(22) Accessory Farm or Forestry Structure	C	N	N	N	N
(23) Small Solar or Wind Energy System	P	P	P	P	P
Group Development, per Section 10-1-0302(o)	N	N	N	P	P
Temporary Land Uses (see Section 10-1-0310(i)(#))					
(2) Outdoor Assembly	T	T	T	T	T
(3) Contractor's Project Office	T	T	T	T	T
(4) Contractor's On-Site Equipment Storage Facility	T	T	T	T	T
(6) On-Site Real Estate Sales Office	T	T	T	T	T
(8) Temporary Portable Storage Container	T	T	T	T	T

FIGURE 10-1-0309: ALLOWABLE USES IN BUSINESS, OFFICE, MANUFACTURING, INSTITUTIONAL, AND AIRPORT ZONING DISTRICTS

P= Permitted Use; C=Requires a Conditional Use Permit; N= Not Permitted; T=Allowed only as a Temporary Use by Permit per Section 10-1-1305

Land Use	Zoning District								
	B-N	**B-C**	**B-H**	**B-R**	**O-R**	**M-L**	**M-G**	**I-1**	**AIR**
Residential Land Uses (see Section 10-1-0310(a)(#))									
(1) Single-Family Detached (built before August 18, 2011)	P	P	N	N	N	N	N	N	N
(2) Two-Family (Duplex) (built before August 18, 2011)	P	P	N	N	N	N	N	N	N
(4) Multi-Family Residence (3-8 unit) (built before August 18, 2011)	P	P	N	N	N	N	N	N	N
Agricultural Land Uses (see Section 10-1-0310(b)(#))									
(6) Raising of Grains, Grass, Vegetables, Seed Crops, Nuts, Berries and Fruit By One Operator	P	P	P	P	P	P	P	P	P
(13) Community Garden	C	C	C	P	C	C	C	C	N
(14) On-Site Agricultural Retail	N	N	N	P	N	N	N	N	N
(15) Agricultural Recreation	N	N	N	C	N	N	N	N	N
(16) Agriculture Related Sales, Service and Supply	N	N	N	P	N	C	C	N	N
(17) Agricultural Product Processing	C	N	C	C	N	C	P	N	N
Institutional Land Uses (see Section 10-1-0310(c)(#))									
(1) Passive Outdoor Public Recreation	P	P	P	P	P	P	P	P	P
(2) Active Outdoor Public Recreation	P	P	P	P	P	P	N	P	N
(3) Indoor Institutional (small-scale)	C	C	C	N	C	C	N	P	N
(3) Indoor Institutional (large-scale)	N	N	C	N	C	C	N	C	N
(4) Outdoor Institutional	C	C	C	N	C	C	N	C	N
(5) Public Service or Utility	C	P	P	P	P	P	P	P	P

FIGURE 10-1-0309: ALLOWABLE USES IN BUSINESS, OFFICE, MANUFACTURING, INSTITUTIONAL, AND AIRPORT ZONING DISTRICTS

P= Permitted Use; C=Requires a Conditional Use Permit; N= Not Permitted; T=Allowed only as a Temporary Use by Permit per Section 10-1-1305

Land Use	**Zoning District**								
	B-N	**B-C**	**B-H**	**B-R**	**O-R**	**M-L**	**M-G**	**I-1**	**AIR**
(6) Institutional Residential	N	N	N	N	N	N	N	C	N
(7) Community Living Arrangement (1-8 Residents)	C	C	N	N	N	N	N	C	N
(7) Community Living Arrangement (9-15 Residents)	C	C	N	N	N	N	N	C	N
(7) Community Living Arrangement (16+ Residents)	C	C	N	N	N	N	N	C	N
Commercial Land Uses (see Section 10-1-0310(d)(#))									
(1) Office	P	P	P	N	P	P	P	C	N
(2) Personal or Professional Service	P	P	P	N	P	P	P	C	N
(3) Artisan Studio	P	P	P	N	C	C	C	N	N
(4) Group Day Care Center	C	P	P	N	C	C	C	P	N
(5) Indoor Sales or Service	P	P	P	N	P	C	N	N	N
(6) Outdoor Display	N	C	C	N	N	N	N	N	N
(7) Indoor Maintenance Service	C	C	P	N	P	P	P	N	N
(8) Outdoor Maintenance Service	N	N	C	N	N	N	C	N	N
(9) Drive-Through and Other In-Vehicle Sales or Service	C	C	C	N	C	N	N	C	N
(10) Vehicle Repair and Maintenance Service	C	N	C	C	N	C	P	N	N
(11) Indoor Commercial Entertainment	C	C	C	N	C	C	N	C	N
(12) Outdoor Commercial Entertainment	N	C	C	C	N	N	N	N	N
(13) Commercial Animal Service or Boarding	N	N	C	C	N	C	N	N	C
(14) Bed and Breakfast	P	P	C	N	N	N	N	C	N
(15) Boarding House	N	C	C	N	N	N	N	C	N
(16) Campground	N	N	N	C	N	N	N	N	N
(17) Commercial Indoor Lodging	N	P	P	N	C	N	N	C	N

FIGURE 10-1-0309: ALLOWABLE USES IN BUSINESS, OFFICE, MANUFACTURING, INSTITUTIONAL, AND AIRPORT ZONING DISTRICTS

P= Permitted Use; C=Requires a Conditional Use Permit; N= Not Permitted; T=Allowed only as a Temporary Use by Permit per Section 10-1-1305

Land Use	Zoning District								
	B-N	**B-C**	**B-H**	**B-R**	**O-R**	**M-L**	**M-G**	**I-1**	**AIR**
(19) Sexually-Oriented Land Use	N	N	N	N	N	N	C	N	N
Storage or Disposal Land Uses (see Section 10-1-0310(e)(#))									
(1) Indoor Storage or Wholesaling	N	C	C	N	N	P	P	N	C
(2) Outdoor Storage or Wholesaling	N	N	N	C	N	C	C	N	C
(3) Personal Storage Facility	N	C	C	C	N	P	P	N	C
(4) Junkyard or Salvage Yard	N	N	N	N	N	N	C	N	N
(5) Waste Disposal Facility/Composting Facility	N	N	N	N	N	C	C	C	N
Transportation Land Uses (see Section 10-1-0310(f)(#))									
(1) Off-Site Parking	N	C	C	N	N	C	C	C	C
(2) Airport or Heliport	N	N	N	N	N	N	N	N	P
(3) Freight Terminal	N	N	N	N	N	N	C	C	C
(4) Distribution Center	N	N	N	N	N	N	C	C	N
(5) Livestock or Farm Commodity Trucking Service	N	N	N	C	N	N	C	N	N
Industrial Land Uses (see Section 10-1-0310(g)(#))									
(1) Light Industrial	N	N	N	C	C	P	P	N	C
(2) Heavy Industrial	N	N	N	N	N	C	P	N	N
(3) Commercial Wind Energy System	N	N	N	N	N	N	C	N	N
(4) Communications Tower	C	C	C	C	C	C	C	C	C
(5) Non-Metallic Mineral Extraction	N	N	N	C	N	N	C	N	N
Accessory and Miscellaneous Land Uses (see Section 10-1-0310(h)(#))									
(1) Accessory Non-Residential Structure (Detached)	P	P	P	P	P	P	P	P	P
(2) Accessory Residential Structure (Detached)	P	P	P	N	N	N	N	P	N

FIGURE 10-1-0309: ALLOWABLE USES IN BUSINESS, OFFICE, MANUFACTURING, INSTITUTIONAL, AND AIRPORT ZONING DISTRICTS

P= Permitted Use; C=Requires a Conditional Use Permit; N= Not Permitted; T=Allowed only as a Temporary Use by Permit per Section 10-1-1305

Land Use	Zoning District								
	B-N	**B-C**	**B-H**	**B-R**	**O-R**	**M-L**	**M-G**	**I-1**	**AIR**
(3) Caretaker's Residence	C	C	C	C	C	C	C	C	P
(4) Company Cafeteria	P	P	P	P	P	P	P	P	P
(5) Company Provided-On Site Recreation	P	P	P	P	P	P	P	P	P
(6) Exterior Communication Device- Small	P	P	P	P	P	P	P	P	P
(7) Exterior Communication Device- Large	C	P	P	P	P	P	P	C	C
(10) Geothermal Energy System (GES)	P	P	P	P	P	P	P	P	P
(11) Historic Structure Modification	C	C	C	C	C	C	C	C	C
(15) Indoor Sales Incidental to Storage or Light Industrial Land Use	N	C	N	C	C	P	P	N	C
(16) Intermediate Daycare Home (9-15 Children)	C	C	N	N	N	N	N	C	N
(17) Light Industrial Activities Incidental to Indoor Sales or Service Land Use	N	C	C	C	N	P	P	N	N
(18) On-Site Accessory Parking Lot	P	P	P	P	P	P	P	P	P
(19) Outdoor Alcohol Area	C	C	C	N	N	N	N	C	N
(20) Outdoor Display Incidental to Indoor Sales or Service (13+ days)	N	C	P	C	N	C	C	N	N
(21) Outdoor Solid Fuel Furnace	N	N	N	N	N	N	N	N	N
(23) Small Solar or Wind Energy System	P	P	P	P	P	P	P	P	C
(24) Accessory Dwelling Unit	P	P	C	N	N	N	N	C	N
Group Development, per Section 10-1-0302(o)	P	P	P	P	P	P	P	P	P

FIGURE 10-1-0309: ALLOWABLE USES IN BUSINESS, OFFICE, MANUFACTURING, INSTITUTIONAL, AND AIRPORT ZONING DISTRICTS

P= Permitted Use; C=Requires a Conditional Use Permit; N= Not Permitted; T=Allowed only as a Temporary Use by Permit per Section 10-1-1305

Land Use	**Zoning District**								
	B-N	**B-C**	**B-H**	**B-R**	**O-R**	**M-L**	**M-G**	**I-1**	**AIR**
Large Retail and Commercial Service Development, per Section 10-1-0302(p)	C	C	C	N	N	N	N	N	N
Temporary Land Uses (see 10-1-0310(i)(#))									
(1) General Temporary Outdoor Sales	T	T	T	T	T	T	T	T	N
(2) Outdoor Assembly	T	T	T	T	T	T	T	T	T
(3) Contractor's Project Office	T	T	T	T	T	T	T	T	T
(4) Contractor's On-Site Equipment Storage Facility	T	T	T	T	T	T	T	T	T
(5) Relocatable Building	N	T	T	T	T	T	T	T	T
(6) On-Site Real Estate Sales Office	T	T	T	N	T	T	T	T	T
(7) Seasonal Outdoor Sales of Farm Products	T	T	T	T	N	T	N	T	N
(8) Temporary Portable Storage Container	T	T	T	T	T	T	T	T	T
(9) Temporary Shelter	N	N	N	N	N	N	N	N	N

Section 10-1-0310: Detailed Land Use Descriptions and Regulations

The land use categories employed by this Chapter are defined in this Section. Land use categories which are not listed in this Chapter are not necessarily excluded from locating within any given zoning district. Section 10-1-1310 empowers the Zoning Administrator to make interpretations on matters regarding specific land use proposals which are not addressed by this Chapter.

(a) **Residential Land Uses.**

(1) Single-Family Detached. A Single-Family Detached dwelling unit is designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit. This dwelling unit type consists of a fully detached Single-Family residence which is located on an individual lot. The dwelling unit must be a site built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home that has received a Federal Manufactured Housing Certificate label.

Regulations:

a. The minimum Gross Floor Area floor shall be 700 square feet, exclusive of an attached garage, carport, or open deck.

b. The dwelling must be attached to a finished, permanent foundation, such as a poured concrete slab or basement meeting UDC requirements.

c. The dwelling unit roof shall have a pitch of at least 3 feet in rise for every 12 feet in run, except by Conditional Use Permit.

d. This dwelling unit type may not be split into two or more dwelling units, except for In-Family Suites meeting the requirements of this Article.

e. Minimum Required Parking: 2 spaces.

(2) Two-Family (Duplex). This dwelling unit type consists of a single structure with two separate residences, each having a private individual access, and no shared internal access within the building. Duplexes can be constructed as attached side-by-side units each with a ground floor and roof, or as a two-story structure with one unit above the other. Where side-by-side, each duplex dwelling unit may share the same lot or be located on a separate lot per the applicable standards that follow.

Regulations:

a. The structure must be in complete compliance with the State of Wisconsin Uniform Dwelling Code (UDC).

b. A building code required fire rated wall must separate the two dwelling units from the lowest level to flush against the underside of the roof.

c. Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.

d. For duplexes proposed to be built as or converted to zero-lot line structures:

1. The common wall between the units shall meet UDC requirements from the basement floor to the top of the roof. Compliance shall be confirmed by the building inspector.

2. The developer shall provide, with the Zoning Permit or Building Permit application, a signed agreement or covenant specifying maintenance standards for the common wall, maintenance and replacement standards for exterior surfaces of the building to maintain a neat and harmonious appearance over time, maintenance standards for any common sewer lateral and any other common features, and restrictions against construction of detached single family residences on any of the affected lots in the event either or all sides of the zero lot line

construction dwelling are destroyed. Such agreement or covenant shall also provide that it may not be terminated, amended or otherwise altered without the approval of the Village Board. Such agreement shall be subject to Zoning Administrator approval, and then recorded by the developer against all affected properties and continually maintained by the property owners.

3. See also Figures 10-1-403(b) and 10-1-403(d).

e. Minimum Required Parking: 2 spaces per dwelling unit.

(3) Townhouse. A Townhouse consists of three to eight attached Single-Family residences, each having a private, individual access. Each dwelling unit shares at least one common wall with an adjacent dwelling unit. Each townhouse unit may share the same lot or be located on a separate lot per the standards that follow.

Regulations:

a. Any Townhouse structure shall meet the design standards for Multi-Family Residences as established in Section 10-1-0602, and are subject to Site Plan Review as established in Section 10-1-1307.

b. Only one townhouse structure is permitted per zoned lot unless approved as part of a Group Development in accordance with Section 10-1-0604, a Planned Unit Development in accordance with Article 10, or a Traditional Neighborhood Development in accordance with Article 11.

c. In the R-M District or I-1 District, no more than 8 and no less than 3 townhouse dwelling units may be attached per structure, except by Conditional Use Permit.

d. For townhouse proposed to be built as or converted to zero-lot line structures, see applicable standards under the "Two-Family (Duplex)" section above.

e. See also Figure 10-1-403(c).

f. Minimum Required Parking: 2 spaces per dwelling unit.

(4) Multi-Family Residence. A Multi-Family Residence consists of a single structure with 3 or more individual attached dwelling units which take access from a shared entrance or hallway. Institutional Residential Uses, as defined in this Chapter, are regulated in Section 10-1-0310(c)(6).

Regulations:

a. Any Multi-Family residence shall meet the design standards for Multi-Family Residences established in Section 10-1-0602 and is subject to Site Plan Review as established in Section 10-1-1307.

b. Minimum Required Parking: 1 space per efficiency or one bedroom dwelling unit; 2 spaces per two-bedroom dwelling unit; and 2.5 spaces per three-or-more bedroom dwelling unit.

(5) Mobile Home. A Mobile Home is a dwelling unit type consisting of a fully detached, Single-Family residence, which has not received a Federal Manufactured Housing Certificate.

Regulations:

a. No Mobile Home may be split into 2 or more residences.

b. Within 30 days of occupancy, the owner shall remove the axle and install skirting per the requirements of Title 10, Chapter 7 of the Village Code of Ordinances.

c. Mobile Homes shall only be allowed in approved Mobile Home Communities meeting the requirement of Title 10, Chapter 7 of the Municipal Code, unless used as for an allowable Temporary Use per Subsection (i) of this Section.

d. Minimum Required Parking: 2 spaces per Mobile Home.

(6) Mobile Home Community. This land use is a form of residential development which is exclusively reserved for individually sold or rented air right pads containing mobile or manufactured home units.

Regulations:

a. Each Mobile Home Community and each of the lots and units within must meet the licensing and permit requirements for mobile homes and mobile home communities in Title 10, Chapter 7 of the Village Code.

b. Each Mobile Home Community shall provide a bufferyard and landscape screen with an opacity of at least 0.6 between any mobile home and/or associated parking areas and any adjacent residential use or district outside of the Mobile Home Community.

c. No units or associated parking areas shall be located closer than 40 feet to an abutting public right-of-way external to the mobile home park. Landscape plantings providing screening opacity of at least 0.6 shall be provided between the any external public right-of-way and a mobile home or parking area.

d. Mobile Home Communities shall comply with the same landscaping and common open space requirements applicable to a Group Development (Section 10-1-0604).

e. Vehicular entrances to a Mobile Home Community shall only be provided on external collector or arterial streets.

f. Vehicular entrances to individual mobile or manufactured homes in a Mobile Home Community shall be from a shared private street or dedicated public street internal to the Mobile Home Community.

g. Minimum Required Parking: 2 spaces per mobile home plus parking necessary for other onsite uses including but not limited to rental offices, community centers, or recreation facilities.

(b) **Agricultural Land Uses.**

(1) Beekeeping. Activities, structures, and equipment associated with the keeping of bee hives for honey production. Does not including the commercial processing of honey produced off-site or retail sales of production equipment on structures associated with beekeeping or honey products.

(2) Dairying. Activities, structures, and equipment associated with milking of cows and temporary storage of milk. Does not include commercial operations for packaging of milk produced off-site.

(3) Raising of Poultry or Livestock. Activities, structures, and equipment associated with the raising of farm animals for food. Does not include commercial operations for the packaging of poultry or livestock raised off-site, the commercial slaughter of farm animals, or the a commercial feed lot or poultry facility.

(4) Commercial Feed Lot or Poultry Facility. Any farm or facility with more than 500 animal units, as defined by Wisconsin Statutes.

Regulations:

a. Wisconsin Administrative Code, Chapter ATCP 51, Livestock Facility Siting.

b. Wisconsin Administrative Code, Chapter NR 243, Animal Feeding Operations.

c. Wisconsin Administrative Code, Chapter NR 151, Runoff Management.

d. Sauk County Code of Ordinances, Animal Waste Management Ordinance.

e. Natural Resources Conservation Service, Conservation Practice Standard Code 590, Nutrient Management.

(5) Grazing. Activities associated with the pasturing of farm animals for nutrition and exercise

(6) Raising of Grains, Grass, Vegetables, Seed Crops, Nuts, Berries and Fruit by One Operator. Activities, structures, and equipment associated with the raising of the aforementioned plants, extending beyond the level of activity typical of a garden, and operated by a single entity, as opposed to a Community Garden.

(7) Fish or Fur Farm. Activities, structures, equipment, and ponds devoted to intensive raising of fur animals or fish for commercial use, including fish raised for food or for raising of game fish raised for restocking of water bodies off-site.

(8) General Farming. Activities, structures, and equipment associated with the raising and harvesting of crops and farm animals not otherwise covered under land uses (1) through (7) above.

(9) Forestry. Activities, structures, and equipment associated with trees used and harvested for timber production, sap production, tree or habitat conservation, private or public passive recreation or any combination of the above.

(10) Greenhouse. One or more structures, and associated activities, associated with the raising of vegetables, fruits, ornamental plants, or some combination, within a transparent building designed to control temperature and humidity. On-site retail sale of grown products are regulated as "On-site Agricultural Retail" or "Seasonal Sales of Farm or Forest Products" land uses.

(11) Nursery. Activities including the intensive raising of trees and shrubs for commercial sale for landscaping, Christmas trees, or similar uses. On-site retail sale of plant and tree products are regulated as "On-site Agricultural Retail" or "Seasonal Sales of Farm or Forest Products" land uses.

(12) Agricultural Stable. A structure facilitating the keeping of horses (or similar riding animals) that are owned and used by the occupants of the dwelling on the same site. Commercial stables are instead listed and regulated as "Commercial Animal Services or Lodging" uses.

(13) Community Garden. An area for cultivation and related activities divided into one or more plots to be cultivated by more than one operator or member. Community Gardens may be on public or private lands.

Regulations:

a. All activity areas and structures shall comply with the required setbacks and height regulations for principal structures within the zoning district.

b. The Site Plan submittal shall list the property owner, and include the name(s) of any established sponsoring organization and garden manager.

c. The Site Plan shall demonstrate consideration for and indicate locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, shaded rest area, and availability of parking.

d. Fences shall comply with the regulations in Section 10-1-0804, except that chicken wire, woven wire, and related garden fencing shall be permitted without restriction around and within cultivated areas.

e. The following structures are permitted: tool sheds, shade pavilions, barns, rest-room facilities, planting preparation houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, beehives, and children's play areas.

f. Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.

(14) On-Site Agricultural Retail. On-Site Agricultural Retail land uses include the sale of agricultural products grown exclusively on the site or on and adjacent property in common ownership, on a year-round basis or requiring the construction and maintenance of permanent structures. Except

packaging and equipment used to store, display, package or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags), the sale of products grown or otherwise produced off-site shall instead be considered a "Commercial Indoor Sales" or "Commercial Outdoor Sales" land use.

Regulations:

a. The sale of products which are grown or otherwise produced on non-adjacent property under the same ownership, or on property under different ownership, shall be prohibited.
b. The maximum total Gross Floor Area of a structure or a combination of structures dedicated to primarily to the On-site Agricultural Retail use shall be 1,500 square feet in area.
c. Structures shall all be set back at least 100 feet from any residentially zoned district.
d. Minimum Required Parking: one space per 200 square feet of indoor and outdoor sales areas plus one space per employee on the largest work shift.

(15) Agricultural Recreation. Agricultural Recreation uses are primarily outdoor commercial uses that that depend on an agricultural setting, make use of agricultural structures, and are compatible with adjacent agricultural uses. Uses in this category include agricultural-themed activities for visiting groups or customers such as corn mazes, hayrides, farm tours, and farm demonstrations; and a limited range of low intensity outdoor activities such as outdoor paint ball ranges, outdoor shooting and archery ranges, and commercial recreational trails (off-road mountain bicycling, horseback riding, snowmobile trails, ATV trails). This land use does not include more intensive Indoor Commercial Recreation Uses (Subsection (d)(10) of this Section) or Outdoor Commercial Recreation uses (Subsection (d)(11) of this Section) such as indoor shooting ranges, zoological gardens, amusement parks, or animal or motor vehicle race tracks.

Regulations:

a. The maximum total Gross Floor Area of a structure or combination of structures used primarily for an Agricultural Recreation purpose shall be 5,000 square feet. This restriction shall not apply to structures normally used for on-site agricultural uses, whether or not related to the Agriculture Recreation use, such as keeping of livestock.
b. Minimum Required Parking: one space per employee on the largest work shift plus customer parking deemed necessary for the use, and parking required for other on-site uses in accordance with this Article.

(16) Agriculture Related Sales, Service, and Supply. Such land uses include all operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used by agricultural operations. Examples of such land uses including agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities (except commercial composting uses, see Subsection (e)(6)).

Regulations:

a. If adjacent to a residential zoning district or agricultural residential cluster development, all buildings, structures, and outdoor storage areas shall provide a bufferyard with an opacity of 0.6 in accordance with Section 10-1-0701.
b. Outdoor display and storage must be on a paved, concrete, other similar hard surface, or gravel surface if in the extraterritorial area.
c. The display or storage of items shall not be permitted within the required paved area setback areas in Figure 10-1-0404(b).

d. Display and storage areas shall be separated and clearly delineated from any circulation area, and shall not negatively affect either on-site or off-site traffic visibility.

e. Storage of abandoned vehicles is prohibited.

f. Minimum Required Parking: one space per employee on the largest work shift plus customer parking deemed necessary for the use, and parking required for other on-site uses in accordance with this Article.

(17) Agricultural Product Processing. Agricultural Product Processing uses are uses engaged in the secondary processing, storage, and on-site sale of plant and animal products, including but not limited to small cheese processing facilities and butchers. Does not include processing of agricultural products grown or raised on the same site.

Regulations:

a. All activities, except loading and unloading, shall be conducted entirely within the confines of a building.

b. In no instance shall activity areas be located within a required frontage landscaping or bufferyard area.

c. Minimum Required Parking: one space per 200 square feet of indoor and outdoor sales areas plus one space per employee on the largest work shift.

(c) **Institutional Land Uses.**

(1) Passive Outdoor Public Recreation. Passive Outdoor Public Recreation land uses include all recreational land uses located on public property or public easement which involve passive recreational activities. Such land uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, open grassed areas not associated with any particular Active Recreation land use (see Subsection (c)(2) below), picnic areas, picnic shelters, gardens, fishing areas, and similar land uses.

Regulations:

a. Minimum Required Parking: One space per four expected patrons at maximum capacity for any use requiring over five spaces.

(2) Active Outdoor Public Recreation. Active Outdoor Public Recreation land uses include all recreational land uses located on public property (including school athletic fields) or public easement which involve active recreational activities. Such land uses include play courts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, public golf courses, and similar land uses.

Regulations:

a. Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 10-1-0701) along all residentially zoned property.

b. All structures and active recreational areas shall be located a minimum of 50 feet from any residentially zoned property, or any other residentially zoned property.

c. Facilities which serve a regional or community-wide function shall provide off-street passenger loading areas if the majority of the users will be children.

d. Minimum Required Parking: One space per four expected patrons at maximum capacity for any use requiring over five spaces by this standard.

(3) Indoor Institutional. Indoor Institutional land uses include all indoor public and not for profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), schools, churches, nonprofit clubs, nonprofit fraternal organizations, convention centers, hospitals, jails, prisons, and similar land uses. Also include accessory uses associated with such principal land uses, including but not limited to storage garages, gazebos and similar structures, gardens, paths, shops designed for the exclusive use of patrons or guests such as a pharmacy or gift shop, helipad, and similar uses and structures. For land use regulatory purposes under this Chapter, shall be considered a "Large-scale" Indoor Institutional use if one or more of the following thresholds is exceeded: required to provide parking for 50 or more motor vehicles per the parking requirements below; providing overnight lodging accommodations for 10 or more persons; including a helipad. All other Indoor Institutional uses shall be considered "Small-scale" for the purposes of this Chapter.

Regulations:

a. Shall provide off-street passenger loading area if the majority of the users will some combination of children, elderly, or disabled persons (as in the case of a school, church, library, hospital, or similar land use).

b. All structures shall be located a minimum of 50 feet from any residentially zoned property.

c. Indoor Institutional buildings in the Extraterritorial Zoning Jurisdiction shall be limited to a maximum of 10,000 square feet of Gross Floor Area.

d. Minimum Required Parking: Shall be per the following table:

Indoor Institutional Parking Requirements	
Church	1 space per 4 seats at maximum capacity
Community/Recreation Center	1 space per 300 sf of GFA or 1 space per four patrons at maximum capacity whichever is greater plus 1 space per employee on the largest work shift.
Funeral Home	1 space per 3 patron seats plus 1 space per employee on the largest work shift
Hospital	1 space per two hospital beds plus one space per staff doctor and one space per two staff on the largest work shift
Library, Museum	1 space per 300 sf of GFA or 1 space per 4 seats at maximum capacity, whichever is greater, plus 1 parking space per employee
Elementary or Middle School	1 space per two employees
High School	1 space per two employees plus 1 space per 3 students at maximum school capacity
University, College or Trade School	1 space per staff member plus 1 space per two employees plus 1 space per 3 students at maximum school capacity
Other Uses	1 space per 3 expected persons at maximum capacity

(4) Outdoor Institutional. Outdoor Institutional land uses include cemeteries, privately held Permanent Green Space Areas, country clubs, golf courses, and similar land uses.

Regulations:

a. Shall provide off-street passenger loading area if a significant proportion of the users will be children.

b. All structures and actively used outdoor recreational areas shall be located a minimum of 50 feet from any residentially zoned property.

c. Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 10-1-0701). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.

d. Minimum Required Parking: Shall be per the table below:

Outdoor Institutional Parking Requirements	
Cemetery	1 space per shift employee
Golf Course	36 spaces per nine holes, plus 1 space per employee during the largest work shift plus 50% of spaces otherwise required for accessory uses (bars, restaurants, etc.)
Swimming Pool	1 space per 30% of pool capacity
Tennis Court	2 spaces per court
Other Uses	1 space per 3 expected persons at maximum capacity

(5) Public Service or Utility. Public Service or Utility land uses include all municipal, County, State and Federal facilities (except those separately addressed in this Article), emergency service facilities such as fire departments and rescue operations, wastewater treatment plants, public and/or private utility substations, water towers, and similar land uses. Power plants shall be regulated as Heavy Industrial uses.

Regulations:

a. Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.

b. All outdoor storage areas adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 10-1-0701) Said bufferyard shall be located at the property line adjacent to said residentially zoned property.

c. All structures shall be located a minimum of 20 feet from any residentially zoned property.

d. The exterior of all buildings shall meet the standards for non-residential structures in Section 10-1-0602.

e. Minimum Required Parking: one space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises, plus one space per 500 square feet of gross square feet of office area.

(6) Institutional Residential. Institutional Residential land uses include senior housing, retirement homes, assisted living facilities, nursing homes, hospices, group homes, convents, monasteries, dormitories, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses not considered to be Community Living Arrangements under the provisions of Wisconsin Statutes 62.23.

Regulations:

a. The development shall contain a minimum of 800 square feet of Gross Site Area (GSA) for each occupant of the development.

b. A minimum of 30 percent of the development's Gross Site Area (GSA) shall be held as permanently protected green space.

c. Project shall provide an off-street passenger loading area at a minimum of one location within the development.

d. Minimum Required Parking: Shall be per the following table:

Institutional Residential Parking Requirements	
Senior Housing,	1 space per dwelling unit

Retirement Housing	
Assisted Living or Limited Care Facility	1 space per 2 dwelling units plus
Nursing Home or Hospice	1 space per 4 patient beds plus one space per 2 employees on the largest work shift plus one space per doctor
Monastery, Convent, Dormitory	1 space per 6 residents plus 1 space per employee on the largest work shift

(7) Community Living Arrangement. Community Living Arrangement land uses include of the following: community living arrangements for adults as defined in Wisconsin Statute Section 46.03(22), Wisconsin Statutes; a community living arrangement for children as defined in Section 48.743(1), Wisconsin Statutes; a foster home as defined in Section 48.02(6), Wisconsin Statutes or an adult family home as defined in Section 50.01 (1) (a) or (b), Wisconsin Statutes. Community Living Arrangements do not include Group Day Care Centers (see separate listing); nursing homes (an Institutional Residential land use); hospitals, prisons, or jails (all Indoor Institutional land uses). Community Living Arrangement facilities are regulated depending upon their capacity as provided for in Wisconsin Statute Sections 61.35 and 62.23(7)(i), provided any such regulations do not violate federal or state housing or anti-discrimination laws.

Regulations:

a. Except as provided in Subsections c. and d. below, no Community Living Arrangement shall be established within 2,500 feet of any other such facility regardless of its capacity unless Plan Commission (or Joint Committee if within the Extraterritorial Zoning Jurisdiction) and Village Board agree to a reduction in spacing. Two community living arrangements may be adjacent if the Village authorizes that arrangement and if both facilities comprise essential components of a single program.

b. Except as provided in Subsection c. below, the total capacity of all Community Living Arrangements (of all capacities) in the Village and the Extraterritorial Zoning Jurisdiction shall not exceed one percent of the combined population of the Village and Extraterritorial Zoning Jurisdiction (unless specifically authorized by the Village Board following a public hearing). The applicant shall be responsible or providing information on the total capacity of all community living arrangements within the Village and the Extraterritorial Zoning Jurisdiction.

c. A foster home that is the primary domicile of a foster parent and that is licensed under s. 48.62 or an adult family home certified under Wisconsin Statute 50.032 (1m)(b) shall be a permitted use in all residential areas and is not subject to Subsections. a. and b. above except that foster homes operated by corporations, child welfare agencies, churches, associations, or public agencies shall be subject to Subsections a and b.

d. No adult family home described in Wisconsin Statute 50.01(1)(b) may be established within 2,500 feet, or any lesser distance established by an ordinance of the Village, of any other adult family home described in Wisconsin Statute 50.01(1)(b) or any community living arrangement. An agent of an adult family home described in Wisconsin Statute 50.01(1)(b) may apply for an exception to this requirement, and the exception may be granted at the discretion of the Village.

e. There shall be no maximum to the number of Community Living Arrangement facilities in the Village or its Extraterritorial Zoning Jurisdiction, provided such facility is in compliance with the provisions of this Chapter and all applicable State and Federal requirements.

f. Minimum Required Parking: 3 Spaces, plus one space for every 3 residents over 8 residents.

(d) **Commercial Land Uses.**

(1) Office. Office land uses include all exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on-appointment basis.

Regulations:

a. Facility shall provide a bufferyard with a minimum opacity of 0.60 (see Section 10-1-0701) along all property borders abutting residentially zoned property.

b. Minimum Required Parking: one space per 300 square feet of Gross Floor Area.

(2) Personal or Professional Service. Personal or Professional Service land uses include exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such uses include professional services, insurance or financial services, realty offices, medical offices and clinics, veterinary clinics, barber shops, beauty shops, and related land uses. Veterinary clinics catering to animals larger than domestic dogs and/or requiring outdoor kennels shall be regulated as Commercial Animal Service or Boarding land uses and under Title 7, Chapter 1 of the Village's Municipal Code.

Regulations:

a. Facility shall provide a bufferyard with a minimum opacity of 0.60 (see Section 10-1-0701) along all property borders abutting residentially zoned property.

b. Minimum Required Parking: one space per 300 square feet of Gross Floor Area.

(3) Artisan Studio. An Artisan Studio use is a building or portion thereof used for the preparation, display and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items, as either a principal use or accessory use.

Regulations:

a. An Artisan Studio shall be used by no more than 5 artists or artisans. If there are more than 5 artists or artisans, the use shall instead be regulated as a Light Industrial use under this Chapter.

b. Facility shall provide a bufferyard with a minimum opacity of 0.60 (see Section 10-1-0701) along all property borders abutting residentially zoned property.

c. Minimum Required Parking: one space per 300 square feet of Gross Floor Area.

(4) Group Day Care Center. A Group Day Care Center is a land use in which qualified persons provide child care services for nine or more children. Examples of such land uses include day care centers and nursery schools. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization. In such instances, Group Day Care Centers are not considered accessory uses and therefore require review as a separate land use.

Regulations:

a. Group Day Care Centers shall not be located within a residential building.

b. Facility shall provide a bufferyard with a minimum opacity of 0.60 (see Section 10-1-0701) along all property borders abutting residentially zoned property.

c. Minimum Required Parking: one space per five students, plus one space for each employee on the largest work shift.

(5) Indoor Sales or Service. Indoor Sales or Service land uses include all land uses, except as separately listed, which conduct or display sales or rental merchandise or equipment, or non-personal or non-professional services, entirely within an enclosed building. This includes self-service facilities such as coin-operated Laundromats, except where Indoor Sales or Service uses are allowed in residential districts. Display of products outside of an enclosed building shall instead be considered an Outdoor

Display Incidental to Indoor Sales accessory use or, if outdoor sales exceed 15 percent of the total sales area of the building(s) on the property, an Outdoor Display principal land use.

Regulations:

a. Facility shall provide a bufferyard with a minimum opacity of 0.60 (see Section 10-1-0701) along all property borders abutting residentially zoned property

b. Within residential districts, shall be subject to the following limitations: (i) operated by a non-profit organization; (ii) providing for the retail or wholesale sale of used goods and supplies; (iii) all structures used for sales not less than 25 feet from any lot line; (iv) lot area not less than 3 acres; (v) all signage subject to approval of Plan Commission or Joint Extraterritorial Committee, and must be non-illuminated, less that 24 square feet in area, and otherwise meeting requirements of Article 9.

c. Minimum Required Parking: one space per 300 square feet of Gross Floor Area.

(6) Outdoor Display. Outdoor Display land uses include all land uses, except as separately listed and indicated below, that display merchandise or equipment for sale or rent outside of an enclosed building. Examples of such land uses include outdoor vehicle sales (e.g., auto and truck sales lots), outdoor vehicle rental, manufactured and mobile housing sales, and outdoor monument sales. Such land uses do not include agricultural implement and machinery sales (which instead are classified as an "Agriculture Related Sales, Service, and Supply" use), or the storage or display of inoperative or junk vehicles, inoperative or junk equipment, and other materials typically associated with and kept in a Junkyard or Salvage Yard use. If an outdoor area less than 15 percent of the total sales area of the building(s) on the property is used for display of merchandise or equipment for sale or rent, such use shall instead be considered an accessory use under Outdoor Display Incidental to Indoor Sales accessory use listing. The area of outdoor display shall be calculated as the area which would completely enclose all merchandise or equipment in the most efficient manner.

Regulations:

a. Outdoor display must be on a paved, concrete, or other similar hard surface, except in the B-R district where display on a gravel surface is also permitted.

b. The display of items shall not be permitted within the required paved area setback areas in Figure 10-1-0404(b).

c. Display areas shall be separated and clearly delineated from any circulation area, and shall not negatively affect either on-site or off-site traffic visibility.

d. Facility shall provide a bufferyard with a minimum opacity of 0.60 (see Section 10-1-0701) along all property borders abutting residentially zoned property.

e. Outdoor Display shall be permitted during the entire calendar year; however, if goods are removed from the display area all support fixtures used to display the goods shall be removed within 10 calendar days of the goods' removal.

f. Minimum Required Parking: one space per 300 square feet of indoor Gross Floor Area. In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the minimum required in this Section. If the number of provided parking stalls on the property is already less than the minimum required spaces, such display area shall not further reduce the number of parking stalls already present.

(7) Indoor Maintenance Service. Indoor Maintenance Service uses include all land uses, except as separately listed, which perform maintenance services (including repair) and contain all operations (except loading) entirely within an enclosed building. Because of outdoor vehicle storage requirements, all vehicle repair and maintenance activities shall instead be regulated as a Vehicle Repair and Maintenance use.

Regulations:

a. Minimum Required Parking: one space per 300 square feet of Gross Floor Area.

(8) Outdoor Maintenance Service. Outdoor Maintenance Services include all land uses, except as separately listed, which perform maintenance services (including repair) and have all, or any portion (beyond simply loading) of their operations located outside of an enclosed building. Because of outdoor vehicle storage requirements, vehicle repair and maintenance activities shall instead be regulated as the Vehicle Repair and Maintenance use per Subsection (d)(19) of this Section.

Regulations:

a. All outdoor activity areas shall be completely enclosed by a minimum 6 foot high fence. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property and shall be screened from such property by a bufferyard with an opacity of at least 0.60 (see Section 10-1-0701).

b. Minimum Required Parking: one space per 300 square feet of Gross Floor Area, or one space per each employee on the largest shift, whichever is less.

(9) Drive-Through and Other In-Vehicle Sales or Service. Drive-through and Other In-Vehicle Sales and Service land uses include all land uses which perform sales and/or services to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity (except Vehicle Repair and Maintenance Services land uses, which are separately listed and regulated). Such uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities in conjunction with other principal use (like a bank or restaurant), vehicular fuel stations, and all forms of car washes. If performed in conjunction with a principal land use (for example, a convenience store, drug store, restaurant, or bank), such land uses shall be considered accessory uses.

Regulations:

a. Except where approved by Conditional Use Permit, each drive-up lane shall have a minimum stacking length of 100 feet behind the pass through window and 40 feet beyond the pass through window.

b. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.

c. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to drive-through lane(s).

d. In no instance shall a drive-through facility be permitted to operate which endangers the public safety.

e. The setback of any overhead canopy or similar structure shall be a minimum of 10 feet from all street right-of-way lines, a minimum of 20 feet from all residentially zoned property lines, and a minimum of 5 feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet.

f. All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum 4 ton axle load.

g. Facility shall provide a bufferyard with a minimum opacity of 0.60 (see Section 10-1-0701) along all property borders abutting residentially zoned property.

h. Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of 6 inches high and be of a non-mountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to all property lines.

i. Any text or logo larger than one square foot per side on an overhead canopy or other accessory structure shall be considered a freestanding ground sign subject to regulation under Article 9 of this Chapter.

(10) Vehicle Repair and Maintenance Service. Vehicle Repair and Maintenance Service uses include all land uses which perform maintenance services (including repair) to motorized vehicles and contain all operations (except vehicle storage) entirely within an enclosed building. Repair and service of agricultural equipment shall instead be classified as an "Agriculture Related Sales, Service, and Supply use.

Regulations:

a. Storage of abandoned vehicles is prohibited.

b. Facility shall provide a bufferyard with a minimum opacity of 0.80 (see Section 10-1-0701) along all property borders abutting residentially zoned property.

c. Minimum Required Parking: one space per 300 square feet of Gross Floor Area plus one space per employee on the largest work shift plus two spaces per vehicle service bay plus adequate on-site parking for all business-related vehicles (e.g. tow trucks).

(11) Indoor Commercial Entertainment. Indoor Commercial Entertainment land uses include all uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, health, fitness, or wellness centers, all forms of training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, indoor shooting ranges, and pool halls. Sexually-Oriented Land Uses not included in this land use, but instead are listed and regulated separately under this Chapter.

Regulations:

a. If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property.

b. Within the I-1 district, such facilities as principal uses shall be limited to health, fitness, or wellness centers only.

c. Facility shall provide a bufferyard with a minimum opacity of 0.60 (see Section 10-1-0701) along all property borders abutting residentially zoned property.

d. Minimum Required Parking: one space per every three patron seats; or the maximum capacity of the establishment; (whichever is greater).

(12) Outdoor Commercial Entertainment. Outdoor Commercial Entertainment land uses include all uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash and late operating hours. Examples of such land uses include outdoor commercial swimming pools, driving ranges, miniature golf facilities, amusement parks, drive-in theaters, go-cart tracks, racetracks, and shooting ranges. Does not include those uses listed under the "Agricultural Recreation" land use category. Uses that serve alcohol outdoors are classified and regulated as an "Outdoor Alcohol Area Accessory to Indoor Commercial Establishments" per Subsection 10-1-0310 (h)(21). Sexually-Oriented Land Uses not included in this land use, but instead are listed and regulated separately under this Chapter.

Regulations:

a. Activity areas shall be located a minimum of 300 feet from a residentially zoned property.
b. Facility shall provide a bufferyard with a minimum opacity of 0.80 (see Section 10-1-0701) along all property borders abutting residentially zoned property.
c. Activity areas (including drive-in movie screens) shall not be visible from any residentially zoned property.
d. Minimum Required Parking: one space for every three persons at the maximum capacity of the establishment.

(13) Commercial Animal Service or Boarding. Commercial Animal Service or Boarding land uses include uses which provide for the care, treatment, and/or boarding animals. Examples of these land uses include commercial kennels as defined under Title 7, Chapter 1 of the Village's Municipal Code, commercial stables, and veterinarian hospitals and clinics. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate approvals.

Regulations:

a. A maximum of one horse per two acres of fully enclosed (by fencing and/or structures) area is permitted.
b. Each animal shall be provided with an indoor containment area.
c. The minimum permitted size of a horse or similar riding animal stall shall be 100 square feet
d. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured.
e. All principal structures and outdoor containment areas for horses or other riding animals shall be no less than 100 feet from any residential zoning district.
f. Facility shall provide a bufferyard with a minimum opacity of 0.60 (see Section 10-1-0701) along all property borders abutting residentially zoned property.
g. For kennels, all applicable requirements of Title 7, Chapter 1 of the Village's Municipal Code have been met.
h. Minimum Required Parking: one space per every 1,000 square feet of indoor Gross Floor Area.

(14) Bed and Breakfast. Bed and Breakfast establishments are exclusively indoor lodging facilities which provide meals only to paying lodgers, in which the operator is also a resident of the premises. Such land uses may provide indoor recreational facilities for the exclusive use of their customers.

Regulations:

a. The dwelling unit in which the Bed and Breakfast takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the Bed and Breakfast establishment is active.
b. No premises shall be utilized for a Bed and Breakfast establishment unless there are at least two exits to the outdoors from such premises. Rooms utilized for sleeping shall have a minimum size of 100 square feet for two occupants with an additional 30 square feet for each additional occupant to a maximum of four occupants per room. Each sleeping room used for the Bed and Breakfast operation shall have a separate operational smoke detector alarm. One lavatory and bathing facility shall be required for every 10 occupants, in addition to the owner/occupants personal facilities.
c. Facility shall provide a bufferyard with a minimum opacity of 0.60 (see Section 10-1-0701) along all property borders abutting residentially zoned property.
d. The maximum stay for any occupants of a Bed and Breakfast establishment shall be 14 days.

e. Each operator shall keep a list of names of all persons staying at the Bed and Breakfast establishment. This list shall be kept on file for a period of one year. Such list shall be available for inspection by the Zoning Administrator at any time.

f. Only the meal of breakfast shall be served to overnight guests.

g. If alcoholic beverages of any kind are to be served on the premises, the owner of the establishment shall first obtain the appropriate license in accordance with Village and State regulations.

h. Minimum Required Parking: one space per each bedroom in addition to standard requirements for principal residential use.

(15) Boarding House. Boarding House uses include any residential use renting rooms which do not contain private bathroom facilities (with the exception of approved Bed and Breakfast establishments).

Regulations:

a. Facility shall provide a bufferyard with a minimum opacity of 0.60 (see Section 10-1-0701) along all property borders abutting residentially zoned property.

b. Shall only be located in an area of transition from residential land uses to nonresidential land uses.

c. Minimum Required Parking: one space per room for rent, plus one space per each employee on the largest work shift.

(16) Campground. Campgrounds include any facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or vehicles. Also includes "Camping Resorts."

Regulations:

a. Facility shall provide a bufferyard with a minimum opacity of 0.60 (see Section 10-1-0701) along all property borders abutting residentially zoned property.

b. Minimum Required Parking: 1.5 spaces per campsite.

(17) Commercial Indoor Lodging. Commercial Indoor Lodging facilities include land uses which provide overnight housing in more than one individual rooms or suite of rooms, each room or suite having a private bathroom, including hotels and motels. Such land uses may provide in-room or in-suite kitchens, and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurant, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate land use. Does not include Bed and Breakfast or Tourist Rooming House uses, which are instead listed and regulated separately.

Regulations:

a. If located on the same side of a building as abutting residentially zoned property, no customer entrance shall be permitted within 100 feet of a residentially zoned property.

b. Facility shall provide a bufferyard with a minimum opacity of 0.60 (see Section 10-1-0701) along all property borders abutting residentially zoned property

c. Where approved within the I-1 district, such use shall have as a function service to patrons and/or families of an established Indoor Institutional land use on the same premises or within the same Group Development.

d. Minimum Required Parking: one space per lodging, plus one space for each employee on the largest work shift.

(18) Tourist Rooming House. A Tourist Rooming House use is a permanent detached Single-Family Detached structure where sleeping accommodations are offered for pay to tourists or transients for periods of time of 30 days or less. Commercial lodgings consisting of structures with more than one dwelling unit or rentable room shall instead be regulated as "Commercial Indoor Lodging" use (or if a room in a residence operated by the primary resident, a Bed and Breakfast). Restaurant, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate land use.

Regulations:

a. Facility shall provide a bufferyard with a minimum opacity of 0.60 (see Section 10-1-0701) along all property borders abutting residentially zoned property.
b. Must meet all requirements associated with a Single-Family Detached residential use.
c. At no time shall the number of occupants exceed eight.
d. The appearance of use of the Tourist Rooming House shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or excessive noise.
e. No recreational vehicle may be used for living or sleeping purposes as part of a Tourist Rooming House.
f. The availability of the Tourist Rooming House to the public shall not be advertised on site.
g. Must be licensed by the State.
h. Minimum Required Parking: one space per bedroom, plus one space for each employee on the largest work shift. The number of guest vehicles on site is limited to the number of bedrooms in the Tourist Rooming House. On-street parking is prohibited.

(19) Sexually-Oriented Land Use. Sexually-Oriented Land Uses include any establishment oriented to the display or sales of sexually-oriented materials such as videos, movies, slides, photos, books, or magazines; or the display of actual persons displaying and/or touching sexually specified areas. For the purpose of this Chapter, "sexually specified areas" includes any one or more of the following: genitals, anal area, female areola or nipple; and "sexually-oriented material" including any media which displays sexually specified area(s). Establishments which sell or rent sexually-oriented materials shall not be considered sexually-oriented if the area devoted to sale of said materials is less than 5 percent of the sales area devoted to non-sexually-oriented materials and if such materials are placed in generic covers or otherwise obscured areas.

Regulations:

a. Shall be located a minimum of 500 feet from any residentially zoned property; and a minimum of 500 feet from any existing school, church, public library, Institutional Residential land use (Subsection (c)(6) of this Section), Active Outdoor Public Recreation land use (Subsection (c)(2) of this Section), or other Sexually-Oriented Land Use.
b. Exterior Signage shall be in accordance with that permitted for the zoning district within which it is located. In addition, one additional exterior wall sign with an area of 2 square feet stating "Admittance to adults only" shall be placed near or on the customer entrance, along with hours of operation.
c. The establishment shall not admit minors on the premise and shall comply with all applicable Federal, State, and Village laws and ordinances regulating alcoholic beverages and obscenity.
d. Minimum Required Parking: one space per 300 sq ft of Gross Floor Area, or one space per person at the maximum capacity of the establishment (whichever is greater).

(e) **Storage or Disposal Land Uses.**

(1) Indoor Storage or Wholesaling. Indoor Storage and Wholesaling land uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail outlets associated with this use shall be considered accessory uses, which are separately listed and regulated.

Regulations:

a. Facility shall provide a bufferyard with a minimum opacity of 0.60 (see Section 10-1-0701) along all property borders abutting residentially zoned property.

b. Minimum Required Parking: one space per 2,000 sf of Gross Floor Area.

(2) Outdoor Storage or Wholesaling. Outdoor Storage or Wholesaling land uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses, which any activity beyond loading and parking is located outdoors. Examples of this land use include contractors' storage yards, equipment yards, lumber yards, coal yards, landscaping materials yard, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a Junkyard or Salvage Yard use, which is a separately listed use.

Regulations:

a. All outdoor storage areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.

b. Facility shall provide a bufferyard with a minimum opacity of 0.80 (see Section 10-1-0701) along all property borders abutting residentially zoned property.

c. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls and fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials from view from non-industrialized areas at an elevation of 5 feet above the grade of all adjacent properties and rights-of-way. Said walls or fencing providing screening of residentially zoned properties shall be in addition to and outside of the required bufferyard.

d. The storage of items shall not be permitted in Permanent Green Space Areas.

e. The storage of items shall not be permitted in a required frontage landscaping or bufferyard area.

f. Storage areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.

g. Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential motor vehicle/motor vehicle and motor vehicle /pedestrian conflicts.

h. Inoperative vehicles or equipment, or other items typically stored in a Junkyard or Salvage Yard, shall not be stored under the provisions of this land use.

i. Minimum Required Parking: one space for every 10,000 square feet of Gross Storage Area plus one space per each employee on the largest work shift. In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of this Chapter. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present

(3) Personal Storage Facility. Personal Storage Facility uses include indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Also known as "mini-warehouses".

Regulations:

a. Facility shall be designed so as to minimize adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and structures shall complement surrounding development.

b. Facility shall provide a bufferyard with a minimum opacity of 0.80 (see Section 10-1-0701) along all property borders abutting residentially zoned property.

c. Minimum Required Parking: one space for each employee on the largest work shift.

(4) Junkyard or Salvage Yard. Junkyard or Salvage Yard facilities are any land or structures used for a salvaging operation including but not limited to: the above-ground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of 2 or more unlicensed and/or inoperative vehicles. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use.

Regulations:

a. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.

b. Facility shall provide a bufferyard with a minimum opacity of 1.0 (see Section 10-1-0701) along all property borders abutting residentially zoned property.

c. In no instance shall activity areas be located within a required frontage landscaping, bufferyard, or Permanent Green Space Areas.

d. Shall not involve the storage, handling or collection of hazardous materials, including any of the materials listed in Section 10-1-0820.

e. Minimum Required Parking: one space for every 20,000 square feet of Gross Storage Area, plus one space for each employee on the largest work shift.

(5) Waste Disposal or Composting Facility. Waste Disposal Facility land uses are any use for the collection and disposal of solid wastes, organic materials for composting, and recycled materials including those defined by Wisconsin Statutes 289.01(33.

Regulations:

a. Shall comply with all County, State and Federal regulations.

b. Facility shall provide a bufferyard with a minimum opacity of 1.0 (see Section 10-1-0701) along all property borders abutting residentially zoned property.

c. All buildings, structures, and activity areas shall be located a minimum of 200 feet from all lot lines.

d. Operations shall not involve the on-site holding, storage or disposal of hazardous materials in any manner.

e. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading, and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110 percent of the costs determined to be associated with said restoration (as determined by a third party selected by the Village), shall be filed with the Village by the Applicant (subject to approval by the Village Administrator), and shall be held by the Village for the purpose of ensuring that the site is

restored to its proposed condition. The requirement for said surety is waived for waste disposal facilities owned by public agencies.

f. No food scraps or other vermin-attracting materials shall be processed, stored or disposed of on-site.

g. Minimum Required Parking: one space for each employee on the largest work shift.

(f) **Transportation Land Uses.**

(1) Off-Site Parking. Off-Site Parking includes any areas used for the temporary parking of vehicles which are fully registered, licensed and operative.

Regulations:

a. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

(2) Airport or Heliport. An Airport or Heliport is a transportation facility providing takeoff, landing, servicing, storage and other services for air transportation vehicles. The operation of any type of air transportation vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment, but excepting model aircraft) within the jurisdiction of this Chapter shall occur only in conjunction with an approved Airport or Heliport. Does not include helipads for hospitals or related uses, which are instead considered accessory uses.

Regulations:

a. All new or extended airport runways shall require a Conditional Use Permit.

b. All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.

c. All crops, trees, structures, fences, storage areas, and parking areas shall be located and setback from all runways in accordance an airport master plan developed by the Petitioner in accordance with FAA guidelines and recorded with the Village.

d. Minimum Required Parking: one space per each employee on the largest work shift, plus one space per every leasable hangar space plus sufficient parking required for any other approved on-site use.

(3) Freight Terminal. Freight Terminals are defined as lands and buildings representing either end of one or more truck carrier line(s) principally serving several or many businesses, which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities.

Regulations:

a. Facility shall provide a bufferyard with a minimum opacity of 1.0 (see Section 10-1-0701) along all property borders abutting residentially zoned property.

b. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.

c. In no instance shall activity areas be located within a required frontage landscaping or bufferyard area.

d. Minimum Required Parking: one space per each employee on the largest work shift.

(4) Distribution Center. Distribution Centers are facilities oriented to the short-term indoor storage and possible repackaging and reshipment of materials involving the activities and products of a single user. Retail outlets associated with this use shall be considered accessory uses which are separately listed and regulated.

Regulations:

a. Facility shall provide a bufferyard with a minimum opacity of 1.0 (see Section 10-1-0701) along all property borders abutting residentially zoned property.
b. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
c. In no instance shall activity areas be located within a required frontage landscaping or bufferyard with area.
d. Minimum Required Parking: one space per each employee on the largest work shift.

(5) Livestock or Farm Commodity Trucking Service. A Livestock or Farm Commodity Trucking Service is a type of freight service dedicated primarily to movement of locally produced agricultural products and may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities, principally serving one or more farms or lumber operations. Trucking services not specifically related to the local agriculture production shall instead be regulated as a Freight Terminal.

Regulations:

a. Facility shall provide a bufferyard with a minimum opacity of 1.0 (see Section 10-1-0701) along all property borders abutting residentially zoned property.
b. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
c. In no instance shall activity areas be located within a required frontage landscaping or bufferyard area.
d. Minimum Required Parking: one space per each employee on the largest work shift.

(g) **Industrial Land Uses.**

(1) Light Industrial. Light Industrial land uses are industrial facilities at which all operations (with the exception of loading operations): 1) are conducted entirely within an enclosed building; 2) are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; 3) do not pose a significant safety hazard (such as danger of explosion); and 4) comply with all of the performance standards listed for potential nuisances in Article 8. A Light Industrial land use may conduct retail sales activity as an accessory use in accordance with the requirements of Subsection (h)(16) of this Section.

Regulations:

a. All activities, except loading and unloading, shall be conducted entirely within the confines of a building.
b. Crematoriums shall not be considered.
c. The following classes of primary food processing activities shall instead be considered and regulated as Heavy Industrial land uses, except where meeting the definition of an Agricultural Product Processing Use: cabbage, fish and fish products, meat and meat products.
d. Facility shall provide a bufferyard with a minimum opacity of 0.80 (see Section 10-1-0701) along all property borders abutting residentially zoned property.
e. In no instance shall activity areas be located within a required frontage landscaping or bufferyard area.
f. Within the B-R Rural Business zoning district, the applicant for a proposed light industrial use shall demonstrate to the satisfaction of the Plan Commission or Joint Committee that the proposed facility will require the use of water that is less than 20 times the single family residential equivalent use level, will employ no more than 10 employees per acre, and will not

warrant or necessitate the extension of public sanitary sewer service, public water service, or urban roadways to the property.

g. Minimum Required Parking: One space per each employee on the largest work shift.

(2) Heavy Industrial. Heavy Industrial land uses are industrial facilities which do not comply with one or more of the following criteria: 1) are conducted entirely within an enclosed building (except for loading / unloading operations); 2) are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; and 3) do not pose a significant safety hazard (such as danger of explosion). More specifically, Heavy Industrial land uses are industrial land uses which may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; and/or may involve materials which pose a significant safety hazard. Examples of heavy industrial land uses include slaughter houses; tanneries; primary meat processing and fish processing; cabbage processing; alcoholic beverage producers other than breweries and wineries; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including but not limited to disinfectant, poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; stone, clay or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; and recycling facilities not involving the on-site storage of salvage materials.

Regulations:

a. Facility shall provide a bufferyard with a minimum opacity of 1.0 (see Section 10-1-0701) along all property borders abutting residentially zoned property.

b. All indoor activity areas and outdoor storage areas with non-hazardous or nuisance producing materials shall be located a minimum of 100 feet from residentially zoned property, Institutional Residential uses, or Indoor Institutional uses. All outdoor activity areas (other than movement of nonhazardous materials) involving materials that are potentially hazardous or nuisances shall be located a minimum of 600 feet from residentially zoned property, Institutional Residential uses, or Indoor Institutional uses. No materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements.

c. Minimum Required Parking: one space per each employee on the largest work shift.

(3) Commercial Wind Energy System. A Commercial Wind Energy System is one or more wind energy conversion systems, generally wind turbine towers, used primarily to generate power for off-site consumption, or any wind energy system with a rating in excess of 60 kWh.

Regulations:

a. No Commercial Wind Energy System shall be erected on any parcel less than 10 acres in size.

b. A Commercial Wind Energy System and any associated structure shall be set back from the nearest property line and public road right-of-way not less than 1.1 times the its total height.

c. No Commercial Wind Energy System shall be located within 1,000 feet of a property line of the following: platted residential subdivision, park, church, or school.

d. Design Standards.

1. Tower design shall be of a monopole or freestanding design without guy wires.

2. The minimum height of the lowest extent of a turbine blade shall be 30 feet above the ground or 30 feet above the maximum permitted height of a principal structure within 100 feet from the tower.

3. No tower shall have a climbing apparatus within 12 feet of the ground. All access doors or access ways to towers and electrical equipment shall be lockable.
4. Noise levels shall not exceed 70 dBA as measured at the property line or 50 dBA as measured at the nearest adjacent residentially zoned property or neighboring inhabitable building.
5. Each tower and turbine shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective. No tower shall be lighted unless required by the FAA. No advertising signs of any kind or nature whatsoever shall be permitted on any tower.
6. All electrical connections shall be underground and comply with all applicable codes; public utility requirements; PSC 119 "Rules for Interconnecting Distributed Generation Facilities;" PSC Forms 6027 and 6028 "Standard Distributed Generation Application Form;" and PSC Forms 6029 and 6030, "Distributed Generation Interconnection Agreement."
7. Each tower and turbine shall be sited in a manner that does not result in significant shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant impact on neighboring or adjacent uses either through siting or mitigation.
8. All signs, both temporary and permanent, are prohibited on the tower, turbine, and their other various components, except that the manufacturer's identification and appropriate warning signs are allowed.
9. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the Commercial Wind Energy System and its various components, and as otherwise prescribed by applicable laws, regulations, and ordinances.

e. Conditional Use Permit Application Requirements. Conditional use applications for a Commercial Wind Energy System shall include the following information in addition to that required under Article 13:

1. Site plan to scale showing the proposed location of the Commercial Wind Energy System and the locations of all existing buildings, structures, public right-of-ways and property lines along with distances
2. Elevations of the site to scale showing the height, design and configuration of the proposed towers and other structures, and the height and distance from property lines, towers, and other proposed structures to all existing structures, buildings, platted residential subdivisions, parks, churches, or schools in the vicinity, and electrical and communication lines.
3. Standard drawings and an engineering analysis of the system's, tower including weight capacity.
4. A standard foundation design along with soil conditions and specifications for the soil conditions at the site.
5. Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the system including the name and address of the manufacturer, model and serial number.
6. Emergency and normal shutdown procedures.
7. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes.

8. Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator unless the system will not be connected to the electricity grid.
9. Sound level analysis prepared by the wind turbine manufacturer or qualified engineer, of sufficient detail and focus to determine compliance with the noise requirements of this section.
10. Estimated cost to physically remove the Commercial Wind Energy System and all of its components to comply with surety standards.
11. Evidence of compliance with or non-applicability with Federal Aviation Administration requirements.
12. Liability insurance coverage in the amount of $1,000,000 of which the Village of Prairie du Sac shall be the certificate holder.

f. Abandonment.

1. At such time that a Commercial Wind Energy System is scheduled to be abandoned or discontinued operation, the applicant will notify the Zoning Administrator by certified U.S. mail of the proposed date of abandonment or discontinuance of operation.
2. The owner shall physically remove the Commercial Wind Energy System and all of its components within 120 days of abandonment or discontinuance of operation. This period may be extended at the request of the owner and the discretion of the Village Board. Physically remove shall mean: Removal of the wind turbines, towers, and related above grade structures and restoration of the location of the Commercial Wind Energy System site to its natural condition, except that any landscaping, grading or below grade foundations may remain in the after conditions.
3. In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out of service for a continuous period of 120 days. After the 120 days of inoperability, the Zoning Administrator may issue a Notice of Abandonment to the owner of the Commercial Wind Energy System or associated property. The owner(s) shall have the right to respond to the Notice of Abandonment within 30 days from notice receipt date. The Zoning Administrator shall withdraw such notice if the owner provides information that demonstrates the wind energy system has not been abandoned.
4. If the owner fails to respond to the Notice of Abandonment or if after review by the Zoning Administrator it is determined that the Commercial Wind Energy System has been abandoned or discontinued, the owner of the Commercial Wind Energy System shall remove the wind turbine, tower and related above grade structures at the owner's expense within 90 days of receipt of the Notice of Abandonment. If the owner fails to physically remove the wind energy system after the Notice of Abandonment procedure, the Village or its designee shall have the authority to enter the subject property and physically remove the Commercial Wind Energy System and all of its component parts.
5. The Village shall have the authority to require the applicant to provide a form of surety (i.e., post a bond, letter of credit or establish an escrow account or by other means) at the time of construction to cover costs associated with the removal in the event the Village must remove the Commercial Wind Energy System. The applicant shall submit a fully inclusive estimate of the costs associated with the removal, prepared by a qualified engineer. The amount shall include a mechanism to accommodate the rate of inflation over 15 years.

g. Minimum Required Parking: one space per each employee on the largest work shift plus vehicle needed for ongoing maintenance.

(4) Communications Tower. Communications towers include all free-standing broadcasting, receiving, or relay structures, and similar principal land uses; and any office, studio, or other land uses directly related to the function of the tower. See land use descriptions and regulations associated with "exterior communication devices" regulated as accessory uses later in this Article, where, unlike communications towers, the communications use is clearly incidental to the principal use on the site. It is the policy of the Village to encourage the placement of communications devices on pre-existing towers and other support structures (e.g., water towers) over the erection of new communication towers.

Regulations:

a. Each application for conditional use permit, site plan approval, and/or building permit under this subsection shall include the following information:

1. The name and business address of, and the contact individual for, the applicant.

2. The location of the proposed or affected communications tower or other support structure.

3. The location of the proposed equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment.

4. If the application is for a "substantial modification" to an existing communications tower or other support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications. For purposes of this subsection (3), "substantial modification" means the modification of a communications tower, including the mounting of an antenna on such a structure, that does any of the following:

i. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.

ii. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.

iii. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.

iv. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

5. If the application is to construct a new communications tower, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

6. If an application is to construct a new communications tower, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

7. Evidence and information to indicate compliance or intent to obtain compliance with other applicable provisions of this subsection and Chapter.

b. Each communication tower and modification thereto shall be erected and installed in accordance with the state electrical code adopted by reference in the National Electrical Safety Code, Federal Communications Commission and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.

c. If an application is to construct a new communications tower, the Village may consult with a third party to verify that collocation on an existing communication tower or other support structure within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider. All costs and expenses associated with such consultation shall be borne by the applicant, except for travel expenses. Failure to pay such costs and expenses or provide related information to the third party consultant shall be grounds for denial of the conditional use permit.

d. Each communication tower shall be placed or constructed so it can be utilized for the collocation of additional antenna arrays to the extent technologically and economically feasible. The Village shall, unless it is shown to be unreasonable, condition the granting of each conditional use permit upon the applicant placing or constructing the communication tower to accommodate the collocation of two additional antenna arrays similar in size and function to that placed on the tower by the applicant. Collocation sites need not be available on the tower as initially placed or constructed, provided that the tower will support the later addition of the required number of collocation sites. The holder of each permit shall make the collocation sites required hereunder available for the placement of technologically compatible antenna arrays and equipment upon contractual provisions that are standard in the industry and at prevailing market rates allowing the permit holder to recoup the cost of providing the collocation sites and a fair return on investment.

e. Each communication tower and associated equipment shall, to the extent determined possible by the Zoning Administrator, match the color of existing facilities and be installed in a fashion to lessen the visual impacts of such installation. Accessory buildings, if required, shall be constructed to be compatible with the surrounding or adjacent buildings by virtue of their design, materials, textures, and colors.

f. In conjunction with the installation of new communication towers and ground mounted buildings or equipment totaling 300 square feet or greater, the applicant shall provide a bufferyard meeting the requirements of Section 10-1-0701(c)(4) along all property borders abutting residentially zoned property. Other landscaping requirements of Article 7 shall also apply.

g. A new or amended conditional use permit and site plan shall be required for a "substantial modification" to an existing communication tower. Neither a conditional use permit nor site plan approval shall be required for any modification including collocation that is not defined as a "substantial modification," but a building permit shall be required.

h. Prior to the issuance of a building permit for a communications tower, the applicant shall provide a written agreement stating that if the communications tower, antennas, or transmitters are unused for a period exceeding 12 months, the applicant shall remove the tower, antennas, or transmitters upon written request from the Zoning Administrator at no cost to the Village within 60 days of such request. If such listed items are not removed within 60 days of such notification, the Village may remove the items at the expense of the holder of the conditional use permit. Within 30 days of the date on which the tower use ceases, the permit holder shall provide the Village with written notice of the cessation of use. A performance bond or deposit of $20,000

shall be required to ensure compliance with all applicable requirements for removal of the communications tower and equipment.

i. The owner of any communications tower shall maintain insurance against liability for personal injury, death, or property damage caused by the use, maintenance, operation and/or failure of the communications tower and accessory structures with a single combined limit of not less than $1,000,000.00 per occurrence. The policy shall contain a provision that it may not be canceled or materially modified without the approval of the Village. The owner shall provide the Village with a certificate of such insurance before issuance of a building permit and upon each policy renewal thereafter.

j. Upon written inquiry from the Village, the recipient of a conditional use permit under this subsection shall have the burden of presenting credible evidence establishing the continued compliance with the approved plans and all conditions placed upon the conditional use permit. Failure to establish compliance with the approved plans and all conditions placed upon the conditional use permit shall be grounds for revocation of the permit. If the Village determines that it is necessary to consult with a third party to ascertain compliance with conditions on a conditional use permit, all costs and expenses associated with such consultation shall be borne by the holder of subject conditional use permit, except for travel expenses. Failure to pay such costs and expenses or provide information requested by the Village shall be grounds for revocation of the conditional use permit.

k. Upon written inquiry from the Village, any owner or operator of a communications tower shall provide information on the tower, including but not limited to available sites on the tower for potential co-locators; evidence that such collocation sites are in fact available for the placement of technologically compatible antenna arrays and equipment upon contractual provisions that are standard in the industry and at prevailing market rates allowing the tower owner to recoup the cost of providing the collocation sites and a fair return on investment; contact information for future co-location inquiries that the Village may receive; and number and placement of antenna arrays and ground mounted equipment, type of service provided (e.g., 4G LTE, etc.), contact information, and expiration dates of user agreements or leases associated all current users of the tower.

l. In its evaluation of any permit or plan approval for a communications tower, the limitations under the applicable Sections 66.0404(4) and 66.0406(2), Wisconsin Statutes shall apply.

m. Minimum Required Off-Street Parking: one space per each employee vehicle needed for ongoing maintenance.

(5) Non-Metallic Mineral Extraction. Non-Metallic Mineral Extraction uses include and land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities. Note that Wisconsin Statutes may limit Village regulation of non-metallic mineral extraction operations associated with projects completed by the Wisconsin Department of Transportation.

Regulations:

a. Facility shall provide a bufferyard with a minimum opacity of 1.0 (see Section 10-1-0701) along all property borders abutting residentially zoned property.

b. All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.

c. Shall receive reclamation approval from the County prior to action by the Village of Prairie du Sac, and shall comply with all County, State and Federal regulations.

d. Required site plans shall include detailed site reclamation plans, which shall include at minimum, detailed grading, and revegetation plans, and a detailed written statement indicating the timetable

for such restoration. A surety bond, in an amount equivalent to 110 percent of the costs determined to be associated with said restoration (as determined by a third party selected by the Village), shall be filed with the Village by the Applicant (subject to approval by the Zoning Administrator), and shall be held by the Village for the purpose of ensuring that the site is restored to its proposed condition.

e. Minimum Required Parking: one space per each employee on the largest work shift.

(h) **Accessory and Miscellaneous Land Uses.**

(1) Accessory Non-Residential Structure (Detached). Includes detached storage buildings, garages, carports, utility sheds and similar structures that are accessory to a non-residential principal use or principal building.

Regulations:

a. Non-residential accessory structures with floor areas over 2,500 square feet shall be subject to all setback and other building separation requirements applicable to principal structures.

b. Any non-residential building exceeding the maximum height of an accessory building established in Figures 10-1-0403(b) or 10-1-0404 (b), as applicable, shall be regulated as a principal structure regardless of Gross Floor Area.

(2) Accessory Residential Structure (Detached). Includes a detached private residential garage or carport typically or primarily used to shelter parked passenger vehicles; utility shed typically or primarily used to store residential maintenance equipment for the same property; private recreational-structures such as gazebos; and detached elevated decks or walkways. Does not include fences, playsets, lawn accessories or ornaments, uncovered non-elevated hard surfaces, signs, lights, or similar structures or improvements.

Regulations:

a. In districts in which Accessory Residential Structures are allowed, each lot is permitted to have one attached or detached garage and two additional detached Accessory Residential Structures.

b. The combined square footage of all detached Accessory Residential Structures on the lot shall not exceed the Gross Floor Area of the dwelling on the lot, excluding any garage or carport that is attached to the dwelling.

c. The maximum Gross Floor Area of any single detached Accessory Residential Structure shall be as established in Figure 10-1-0403(a).

(3) Caretaker's Residence. Includes any residential unit which provides permanent housing only for a caretaker of the same property in either an attached or detached configuration.

Regulations:

a. A minimum of one parking space shall be provided for a Caretaker's Residence, in addition to the required parking for other uses on the property.

(4) Company Cafeteria. A Company Cafeteria is a food service operation which provides food only to company employees and their guests, which meets State food service requirements, and which is located on the same property as a principal land use engaged in an operation other than food service.

(5) Company Provided On-Site Recreation. A Company Provided On-Site Recreation use is any active or passive recreational facility located on the same site as a principal land use, and which is reserved solely for the use of company employees and their guests.

Regulations:

a. All structures and actively uses areas shall be located a minimum of 50 feet from any residentially zoned property.

b. Outdoor recreation areas using night lighting and adjoining a residentially zoned property shall require a Conditional Use Permit and meet all bufferyard, screening, and shall install and continually maintain a bufferyard with a minimum opacity of 0.60 along all residentially zoned property (see Section 10-1-0701).

(6) Exterior Communication Device–Small. This land use includes smaller accessory antennas and smaller satellite dishes generally used for television, radio, telephone, or internet reception, but allowable for other forms of transmission or reception. For purposes of this Chapter, roof top antennas 15 feet in height or less as measured from highest part of the roof to the top of the antenna, and satellite dishes with a diameter of 20 inches or less shall be considered Small Exterior Communications Devices.

Regulations:

a. No Small Exterior Communications Device shall be erected or installed within the front yard or side yard. The rear setback and the side setback in rear yards shall be the same as that for the principal structure within the respective zoning district.

b. No Small Exterior Communications Device shall exceed a height of 15 feet above highest point of the roofline of the building upon which the antenna is located.

c. Small Exterior Communications Devices shall be erected and installed in accordance with the state electrical code adopted by reference in the National Electrical Safety Code, Federal Communications Commission, and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.

(7) Exterior Communications Device–Large. This accessory land use includes any apparatus capable of sending and/or receiving communications from a transmitter or a transmitter relay and consisting of building mounted satellite dishes with a diameter greater than 20 inches; roof mounted antennas greater than 15 feet in height as measured from highest part of the roof to the top of the antenna; and/or ground-mounted communications dishes/antenna arrays. This definition includes all types of signal receiving antennas that exceed one or more of these thresholds, including, without limitation, parabolic antennas, home earth stations, satellite television disks, UHF and VHF television antennas, and AM, FM, ham and short-wave radio antennas, regardless of the method of mounting. The definition does not include cellular and digital communication facilities which are mounted on a "Communications Tower" as described and regulated as a principal use earlier in this Article. See "Communications Tower" land use category for a description and regulations associated with that principal land use.

Regulations:

a. The application shall include sufficient details on specifications, mounting, and site plan showing the location of the proposed device with respect to streets, lot lines and buildings.

b. The maximum number of Large Exterior Communications Devices per individual lot zoned for Single-Family or Two-Family residential use and in the B-N Neighborhood Business District shall be one per principal dwelling unit or other principal building as allowed in the district.

c. No Large Exterior Communications Device shall be erected or installed within the front yard or street side yard. In non-residential districts, if reasonable reception of signals is not possible with an interior side or rear yard placement due to the physical characteristics of the lot and area, such facility may be placed in the front yard or street side yard, or on a building roof.

d. Any ground mounted device and its supporting structure shall be located a minimum of 10 feet from any interior side or rear property line.

e. Signal receiving antennas attached to the wall or roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator may require engineering calculations.

f. The diameter of the signal receiving antenna shall not be greater than 15 feet in diameter, except for systems used to provide community antenna television services or cellular transmission.

g. In Single-Family and Two-Family districts, and on Single-Family and Two-Family lots within the PUD or TND district, large exterior communications devices shall not be allowed on rooftops under any circumstance, and the total height of ground-mounted signal receiving devices and any platform or structure upon which said device is mounted or affixed shall not exceed 12 feet in height as measured from the ground to the highest point of the device.

h. In Multi-Family and non-residential zoning districts, ground-mounted signal receiving devices, including any platform or structure upon which said device is mounted or affixed, may not exceed 18 feet in height. A roof-mounted device may not exceed 18 feet in height above the surrounding roof line as measured from the lowest point of the existing roof line.

i. All such devices shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of 80 MPH.

j. Exterior communication devices shall be erected and installed in accordance with the Wisconsin State electrical code adopted by reference in the National Electrical Safety Code, Federal Communications Commission, and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground installation. If a signal receiving antenna is to be used by 2 or more residential property owners, all interconnecting electrical connections, cables and conduits must also be underground. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.

k. No portable or trailer-mounted devices shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding 5 days. However, such trial placement shall be in accordance with all provisions of this Section. Failure to comply shall result in a citation being issued for violation of this Section. Any person making such temporary placement shall first give written notice to the Zoning Administrator of the date when such placement shall begin and end.

l. No form of advertising or identification, sign or mural is allowed on the any part of the device other than the customary manufacturer's identification plates.

m. Such communications devices shall be filtered, positioned, and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the communications device shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.

n. The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted there under.

o. Such devices shall be located and designed to reasonably reduce visual impact from surrounding properties at street level. Supporting structures for ground mounted antenna and satellite dishes shall be screened with foundation landscaping and/or decorative fencing.

p. In making a recommendation on each conditional use permit application for an amateur radio antenna that exceeds the one or more thresholds for a "Small Exterior Communications Device," the Plan Commission (or Joint Committee) shall formulate reasonable conditions and practical restrictions that will allow for the approval of such facilities and shall deny such application only if it finds that the requested use, if installed and operated in accordance with all reasonable conditions and restrictions, will cause a significant danger to the public safety or welfare. It shall be a condition to each conditional use permit for an amateur radio antenna that the operation of the amateur radio service using such antenna shall at all times be maintained in compliance with the applicable regulations and permit conditions issued by the Federal Communications Commission.

(8) Family Day Care Home (4 to 8 Children). Family Day Care Homes are occupied residences in which a qualified person or persons provide child care for 4 to 8 children. The care of less than 4 children is not subject to the regulations of this Chapter. See also Section 66.1017(1)(a), Wisconsin Statutes.

(9) Farm Residence. A farm residence is a type of Single-Family Detached dwelling located on the same property as a principal agricultural use and occupied by the owner or operator or the agricultural use Farm residences are otherwise subject to the same standards as other Single-Family Detached residential uses.

(10) Geothermal Energy System (GES). A Geothermal Energy System (GES) is a central heating and/or cooling system that uses the moderate temperatures of subsurface ground or a body of water to assist with the heating or cooling of building or building's water. A GES requires an underground heat exchanger, in the form of a network of underground or underwater pipes or tubes filled with a liquid medium (refrigerant, water mixed with anti-freeze, or water). The liquid medium within the heat exchanger is transferred between a structure and the heat exchanger via pumps. In an Open Loop GES system, ground or surface water is continuously drawn from an outside source through the heat exchanger pipes and discharged after use. In Closed Loop GES, the system is designed so that heat exchanger fluid does not come in direct contact with soils, groundwater, or surface water.

Regulations:

a. Mechanical pumps used to move water between heat exchangers structures shall be located inside principal or accessory structures.

b. Underground GES pipes or tubes shall be set back a minimum of 10 feet from any lot line, public right-of-way, buried utility line, utility easement, and permanently protected natural resource area.

c. Underground GES are permitted within Permanent Green Space Areas other than protected natural resource areas, provided landscaping and pervious soils are restored following installation. Earth moving and/or drilling activities associated with installation or maintenance of GES pipes or tubes shall not encroach in any permanently protected natural resource area.

d. Underground GES shall comply with State requirements regarding setbacks from private or public water wells.

e. Earth moving or drilling activities associated with installation or maintenance of the underground element of GES heat exchanger shall comply with the requirements of Section 10-1-0802.

f. Installation of a GES system within the WP Wellhead Protection Overlay District shall be allowed subject to review and approval by the Director of Public Works and in accordance with the all applicable County and State licensing and permit requirements.

g. All activities, materials, structures, and products associated with the installation and maintenance of a GES system shall comply with applicable State-approved standards and drilling permit procedures and shall meet the certification standards established by the IGSHPA or other

professional geothermal system accreditation association recognized by the State of Wisconsin. Materials shall be able to withstand long-term exposure to the levels of moisture and/or acidity of soils of the site.

h. Open loop GES systems using only water as the heat exchange fluid shall be permitted. GES systems may not be installed directly in a navigable body of water, and discharged water shall meet the State requirements for thermal and other water pollutants. Discharged water shall not be directed onto adjacent property or interfere with the function of on-site or off-site stormwater management structures.

i. In closed loop GES systems, only heat exchange fluids certified by the State of Wisconsin for use underground heat exchangers may be utilized. Heat exchange fluids shall not pose a contamination hazard to ground water quality. Fluids removed from closed loop heat exchangers shall be disposed of in accordance with State and Federal requirements and shall not be discharged onto neighboring properties.

(11) Historic Structure Modification. Any action that results in the removal, relocation, or demolition of any building or portion of a building that is a) listed or eligible for listing on the National or State Registers of Historic Places and/or b) identified as having historic or architectural significance by a comprehensive survey of historic resources conducted by or with authorization of the Village.

Regulations:

a. The Secretary of Interior's standards for rehabilitation shall be used as criteria for Conditional Use Permits regarding the removal, relocation, or demolition of historic buildings meeting the criteria in this subsection.

(12) Home Occupation, Minor. Minor Home Occupations are low-impact economic activities performed within any dwelling unit which complies with the following regulations. Examples include personal and professional services and handicrafts.

Regulations:

a. The area used to conduct the Home Occupation shall not exceed 25 percent of the improved square footage, excluding the garage, and the occupation shall be conducted within the principal building, except for sales of home grown produce grown on site.

b. A Minor Home Occupation shall be undertaken only by a member of the immediate family residing on the premises.

c. No activity, materials, goods or equipment incidental to the Home Occupation shall be externally visible, except for home grown produce grown on site.

d. No Minor Home Occupation shall endanger the public health and safety and shall not interfere with other lots in the neighborhood.

e. No mechanical equipment may be used which creates a disturbance such as noise, dust, odor or electrical disturbance.

f. No mechanical or electrical equipment shall be installed or maintained other than such as customarily incidental to domestic use.

g. No Minor Home Occupation, combined with the principal residential use of the property, shall generate more than 15 vehicle trips per day.

(13) Home Occupation, Major. Major Home Occupations are economic activities performed within any Single-Family Detached residence or permitted accessory structure to a Single-family Detached residence. Examples include personal and professional services, commercial equipment repair, and artisan and handicraft production, which comply with all of the following requirements:

Regulations:

a. The area used to conduct the Major Home Occupation shall not exceed 25 percent of the improved square footage of the principal residence, excluding the garage. A Major Home Occupation may be also be conducted within in an existing Accessory Farm or Forestry Structure or Accessory Residential Structure. The occupation shall be conducted entirely within a permanent structure, except for sales of home grown produce grown on site.

b. The Home Occupation shall be carried on only by a member of the immediate family residing on the premises. A Major Home Occupation may employ up to one employee living off-site provided an immediate family member residing on site is the principal owner and operator of the business.

c. No activity, materials, goods or equipment incidental to the Major Home Occupation shall be externally visible, except for home grown produce grown on site, and external storage normally allowed for the principal residential use.

d. No Major Home Occupation may include retail sales other than items produced or value added on site.

e. No Major Home Occupation shall endanger the public health and safety or interfere with the enjoyment of other lots in the neighborhood.

f. No mechanical equipment may be used which creates a disturbance such as noise, dust, odor or electrical disturbance.

g. No mechanical or electrical equipment shall be installed or maintained other than such as customarily incidental to domestic use.

(14) In-Family Suite. An In-Family Suite is an area within a Single-Family Detached dwelling unit that may contain separate kitchen, dining, bathroom, laundry, living, sleeping, and recreation areas. A permanent interior, non-locking access way between the habitable area of the principal dwelling and the In-Family Suite is required. A separate outdoor access to a shared garage may be provided. External stairs serving as the primary access to the In-Family Suite are prohibited.

Regulations:

a. In-Family Suites shall be considered a part of the principal Single-Family Detached dwelling unit for purposes of regulation under this Title.

b. The principal dwelling unit and the In-Family Suite shall together appear from the outside as a single Single-Family Detached dwelling.

c. A separate address for the In-Family Suite is not permitted.

d. A separate utility connection or meters are not permitted.

e. An all-weather interior access between the main habitable area of the principal dwelling and the In-Family Suite shall be maintained at all times. Connections through attics, basements, garages, porches, or non-living areas shall not be sufficient to meet the requirement for connected interior access. A connecting door may be used to separate the In-Family Suite from the rest of the dwelling provided that it is a non-locking door. Doors to bedrooms and bathrooms are exempt from the non-locking requirement.

f. A separate driveway, garage, or walled garage area shall not be permitted. A separate connecting door between the In-Family Suite and the garage may be provided.

g. Direct incidental access to the In-Family Suite from the building exterior may be provided via exterior porches, patios, and decks, but external stairs providing principal access to a second story In-Family Suite shall be prohibited.

h. The In-Family Suite may not be occupied by a non-family member.

i. When an application is submitted for a building permit to accommodate what is explicitly listed as, or could possibly serve as, an In-Family Suite, the building plan shall be marked as "Not a

separate dwelling unit nor apartment," and a signed letter from the applicant stating agreement with this condition shall be filed with the Zoning Administrator.

(15) Indoor Sales Incidental to Storage or Light Industrial Land Use. These land uses include any retail sales activity conducted exclusively indoors which is incidental to a principal land use such as warehousing, wholesaling or any light industrial land use on the same site.

Regulations:

a. Adequate parking, per the requirements for Indoor Sales or Service land uses, shall be provided for customers. Said parking shall be in addition to that required for the Light Industrial or other uses on the lot.

b. The total Gross Floor Area (GFA) devoted to sales activity shall not exceed 25 percent of the total GFA of the buildings on the property. Areas devoted to artisan studio uses such as custom ceramics, glass, wood, paper, fabric, and similar crafts may exceed 5,000 square feet with the granting of a Conditional Use Permit for such use.

c. Restroom facilities directly accessible from the retail sales area shall be provided.

d. The Indoor Sales area shall by physically separated by a wall from other activity areas.

(16) Indoor Intermediate Daycare Home (9 to 15 Children). Intermediate day care homes are occupied residences in which a qualified person or persons provide child care for 9 to 15 children. See also Section 48.65, Wisconsin Statutes.

(17) Light Industrial Activities Incidental to Indoor Sales or Services. These land uses include any Light Industrial use conducted exclusively indoors, which is incidental to a principal land use such as Indoor Sales or Service land use on the same site.

Regulations:

a. The total Gross Floor Area (GFA) devoted to Light Industrial activity shall not exceed 15 percent of the total GFA of the buildings on the property, or 5,000 square feet, whichever is less.

b. The production area shall be physically separated by a wall from other activity areas and shall be soundproofed to the level required by Article 8 from all adjacent properties.

(18) On-Site Accessory Parking Lot. On-site accessory parking lots are any areas located on the same site as the principal land use which are used for the parking of vehicles which are fully registered, licensed, and operative.

Regulations:

a. Shall comply with the design requirements of Sections 10-1-0808 and 10-1-0809.

b. Pavement setbacks shall comply with the setback and landscape surface area requirements of Article 4; and the landscaping, bufferyard, and green space preservation requirements of Article 7.

(19) Outdoor Alcohol Area. Outdoor Alcohol Areas are those that serve alcohol outside of the principal structure, generally associated with an approved Indoor Commercial Entertainment use such as a restaurant, tavern, bar, and/or live music venue, but possibly also certain Indoor Institutional uses and other land uses. Outdoor Alcohol Areas included, but not limited to "Beer Gardens."

Regulations:

a. A Conditional Use Permit shall only be granted to an operator of an establishment which is in compliance with applicable Village of Prairie du Sac Code of Ordinances, and is licensed by the Wisconsin Department of Health and Family Services to operate said establishment pursuant to Chapter 254, Wisconsin Statutes.

b. Any establishment serving alcohol shall hold a valid liquor license pursuant to Section 7-2-17 of the Village Municipal Code, if within the Village.

c. Outdoor Alcohol Areas shall be set back a minimum of 100 feet from any residential use in any zoning district, except within the B-C District and for an Accessory Dwelling Unit or Caretaker's Residence in the same structure housing the principal entertainment venue.

d. The maximum allowable area for an Outdoor Alcohol Area shall not exceed 50 percent of the Gross Floor Area of the principal Indoor Commercial Entertainment venue or other principal use of the lot.

e. There shall be a licensed operator present within an Outdoor Alcohol Area during all hours of its operation.

f. The exterior may be required to be enclosed with a fence or wall as limited by Wisconsin Statutes. Emergency exits from the area shall be provided in accordance with applicable Fire and Building Codes.

g. Except as a temporary use, an Outdoor Alcohol Area must be located on an impervious surface or hard all-weather decking material.

h. An Outdoor Alcohol Area shall not be permitted in a Permanent Green Space Area, required bufferyard, or required landscaped area.

i. Lighting to serve outside seating areas shall comply with the exterior lighting standards of this Chapter.

j. All signage associated with the area, including menu boards and signage on awnings, canopies and umbrellas, and other fixtures shall comply with Article 9 of this Chapter.

k. Except where otherwise specified by Conditional Use Permit, Outdoor Alcohol Areas shall not open earlier than 7 a.m. or remain open later than 11 p.m. on any day.

l. Except where otherwise limited by Conditional Use Permit, Outdoor Alcohol Areas may play amplified music, whether live or recorded and may have speakers, microphones, televisions or other audio or video devices provided all noise standards established in Section 10-1-0813 are met.

m. Outdoor Alcohol Areas shall be accessible to the disabled, and the permit holder shall at all times comply with all applicable federal, state and Village laws, ordinances and regulations concerning accessibility and nondiscrimination in the providing of service.

n. Conditional Use Permit applications shall include operational details and site plan details addressing each of the requirements above in addition to the requirements for Site Plan Review in Section 10-1-1304. Any application for this use directly abutting a public right-of-way shall include details regarding the specific location of public street improvements.

o. Minimum Parking Requirements: one space for every three persons at the maximum capacity of the Outdoor Alcohol Area. This requirement shall be in addition to the parking required for other uses on the site or lot.

(20) Outdoor Display Incidental to Indoor Sales or Service (13+ days). Outdoor Display accessory use is as defined in the Outdoor Display principal land use Subsection (d)(6) of this Section which does not exceed 25 percent of the Gross Floor Area of the principal building of the site or 25 percent of the Gross Floor Area of the principal use(s) with which it is associated, whichever is less.

Regulations:

a. Shall comply with all conditions applicable to an Outdoor Display principal use.

(21) Outdoor Solid Fuel Furnace. An Outdoor Solid Fuel Furnace is an outdoor accessory structure designed to heat air or liquid water through fire, then transmit that heated air or liquid to a different structure for direct use, structural heating, or both.

Regulations:

a. Outdoor Solid Fuel Furnaces are not allowed anywhere within the Village or its Extraterritorial Zoning Jurisdiction.

(22) Accessory Farm or Forestry Structure. An Accessory Farm or Forestry Structure is any structure on a farm that is accessory to a permitted agricultural use, including but not limited to barns, silos, and corn cribs.

(23) Small Solar or Wind Energy System. A Small Solar Energy System is an energy system that converts solar energy to usable thermal, mechanical, chemical, or electrical energy, where such solar energy system is accessory to the principal use of the lot (such as a solar panel system providing energy for a dwelling on the same lot), and primarily supplies energy to such principal use.

A Small Wind Energy System is an energy system that converts wind energy to usable thermal, mechanical, chemical, or electrical energy, where such wind energy system is accessory to the principal use of the lot (such as a wind turbine system providing energy for a dwelling on the same lot), primarily supplies energy to such principal use, and does not exceed a rated capacity of 60 kilowatts.

Regulations:

a. Each Small Solar or Wind Energy System shall meet all detached accessory building setbacks in the applicable zoning district, except where mounted to the principal building they shall meet principal building setbacks.

b. Except by Conditional Use Permit, no Small Wind or Solar Energy System shall be:

   1. Located in any front yard or side yard having frontage on a public street
   2. Set back by a distance of not less than 1.1 times the total height of the Small Wind Energy System from the nearest property line, public road right-of-way, nearest inhabited building other than the principal inhabitable structure served by the Small Wind Energy System, and public communication and electrical lines.
   3. Greater than 50 feet in height.

c. No Small Wind or Energy System shall be sited or operated in a manner that causes permanent or material interference with television or other communication signals. All electrical connections shall be located underground or within a building.

d. The minimum height of the lowest extent of a turbine blade of a Small Wind Energy System shall be 20 feet above the ground and 20 feet above the maximum allowable height of any structure or obstacle within 100 feet of the Small Wind Energy System, except where deliberately designed as part of the structure.

e. Sound emanating from a Small Solar or Wind Energy System shall not exceed 70 dBA as measured at all property lines

f. Each Small Solar or Wind Energy System structure shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective. Freestanding Small Wind Energy Systems shall be designed without use of guy wires. No Small Solar or Wind Energy System shall be lighted unless required by the Federal Aviation Administration. Clearing of natural vegetation for the purposes of installing a Small Wind or Solar Energy System shall be limited to that which is necessary for the construction, operation and maintenance of the Small Wind or Solar Energy System and as otherwise prescribed by applicable laws, regulations, and ordinances. No signs of any kind or nature whatsoever shall be permitted on any small wind or solar energy system, except that the manufacturer's identification and appropriate warning signs are allowed.

g. All access doors or access ways to any required towers and electrical equipment shall be lockable. Every Small Solar or Wind Energy System shall be equipped with both manual and automatic overspeed controls.

h. Each Small Solar or Wind Energy System shall require a building permit before installation, which may be included with the general building permit for the principal structure. Building permit applications shall include the following information in addition to that required by the Building Code:

1. A site plan drawn to scale showing the location of the proposed Small Solar or Wind Energy System and the locations of all existing buildings, structures, public rights-of-way, and property lines. All distances shall be measured and labeled on the site plan.
2. Elevations of the site drawn to scale showing the height, design, and configuration of the small solar or wind energy system and the heights of all existing structures, buildings and electrical lines in relation to property lines and their distance from the small wind or solar energy system.
3. Standard drawings and an engineering analysis of any wind energy system tower, including load-bearing and wind-bearing capacity.
4. A standard foundation design along with specifications for the soil conditions at the site.
5. Specific information on the type, size, rotor material, rated power output, performance, safety, and noise characteristics of the system including the name and address of the manufacturer, model, and serial number.
6. A description of emergency and normal shutdown procedures.
7. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes and this subsection.
8. Evidence that the provider of electrical service to the property has been notified of the intent to install an interconnected electricity generator, except in cases where the system will not be connected to the electricity grid.
9. A sound level analysis prepared by the wind turbine manufacturer or other qualified engineer, of sufficient detail and focus to determine compliance with the noise standard in this section.
10. Evidence of compliance with or non-applicability with Federal Aviation Administration requirements.
11. If located within the DO Downtown Overlay district, evidence that the Plan Commission has approved a Site Plan for the project and all associated conditions have been met.
12. If required to obtain a Conditional Use Permit under this section, evidence that a Conditional Use Permit has been granted and all associated conditions have been met.

(24) Accessory Dwelling Unit. Accessory Dwelling Units are dwelling units which are located either above the ground floor of a building used for an office, commercial, or institutional land uses (as listed within the respective land use categories above) or on the ground floor of a building used for an office, commercial, or institutional land use, but not be within the first 24 feet of the ground floor measured from the front of the building.

Regulations:

a. Shall, to the extent practical, meet the design standards for Multi-Family Residences established in Section 10-1-0602.

b. Minimum Required Parking: 1 space per efficiency or one bedroom dwelling unit; 2 spaces per two bedroom dwelling unit; and 2.5 spaces per three or more bedroom dwelling unit. Minimum parking standards may be reduced if residential uses are institutional in nature.

(i) **Temporary Land Uses.**

(1) General Temporary Outdoor Sales. Includes the display of any items outside the confines of a building which is not otherwise allowed as a permitted or conditional use, or a special event with the Village otherwise regulated by the Village Municipal Code. Examples of this land use include but are not limited to garage sales, seasonal garden shops, tent sales, Christmas tree sales, fireworks stands, and bratwurst stands. This category does not include Seasonal Outdoor Sales of Farm Products uses.

Regulations:

a. The applicant shall provide a general layout of the activities and additional details requested by the Zoning Administrator.

b. In the R-R, R-1-A, R-1-B, R-2 Districts, on-site residents may conduct up to three garage sales per year with a maximum duration of four days per sale without a Temporary Use Permit. All goods offered for sale shall be personal property from the residence where the sale is being held or, in the case of a group sale, from the residences of the participating households. In no case shall any sales become outlets for wholesale or retail commercial sales. Garage sales shall be conducted between 6:00 a.m. and 8:00 p.m.

(2) Outdoor Assembly. Includes any organized Outdoor Assembly of more than 200 persons, including church festivals, community events, and other similar activities open to the public, but excluding one-time and occasional auctions, weddings, funerals, family reunions, and other similar private events.

Regulations:

a. Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.

b. Signage shall comply with the requirements for temporary signs in Article 9.

c. Adequate parking, drinking water, and toilet facilities shall be provided, and shall be described in the application.

d. If subject property is located within or adjacent to a residentially zoned area, activities shall be limited to daylight hours, unless licensed for longer hours.

e. Adequate provisions for crowd control shall be made, and shall be described within the application.

f. Event Sponsors shall comply with Temporary Use review and approval procedures in Article 13 of this Chapter.

(3) Contractor's Project Office. Includes any structure containing an on-site construction management office for an active construction project.

Regulations:

a. Structure shall not exceed 2,000 square feet in Gross Floor Area.

b. Facility shall be removed within 10 days of issuance of occupancy permit.

c. Shall not be used for sales activity.

d. Projects requiring land use to be in place for more than 365 days shall require a Conditional Use Permit.

e. Shall comply with Temporary Use review and approval procedures in Article 13 of this Chapter.

(4) Contractor's On-Site Equipment Storage Facility. Includes any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project.

Regulations:

a. Facility shall be removed within 10 days of issuance of occupancy permit.
b. Projects requiring land use to be in place for more than 365 days shall require a Conditional Use Permit.
c. Shall be limited to a maximum area not exceeding 10 percent of the property's Gross Site Area.
d. Shall comply with Temporary Use review and approval procedures in Article 13 of this Chapter.

(5) Relocatable Building. Includes any manufactured building which serves as a temporary building for less than 6 months. Facilities serving for more than 6 months shall be considered conditional uses and subject to the general standards and procedures presented in Article 13.

Regulations:

a. Shall conform to all setback regulations.
b. Shall conform to all building code regulations.
c. Shall comply with Temporary Use review and approval procedures in Article 13 of this Chapter.

(6) On-Site Real Estate Sales Office. Includes any building which serves as an on-site sales office for a development project.

Regulations:

a. Structure shall not exceed 5,000 square feet in Gross Floor Area.
b. Facility shall be removed or converted to a permitted land use within 10 days of the completion of sales activity.
c. Signage shall comply with the requirements for temporary signs in Article 9.
d. Projects requiring land use to be in place for more than 365 days shall require a Conditional Use Permit.
e. Shall comply with Temporary Use review and approval procedures in Article 13 of this Chapter.

(7) Seasonal Outdoor Sales of Farm Products. Includes any outdoor display and sales of farm products on a seasonal basis, including but not limited to seasonal roadside stands and Christmas tree lots, and not otherwise regulated under the "On-site Agricultural Retail" land use category.

Regulations:

a. Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
b. Adequate parking shall be provided.
c. If subject property is located adjacent to residentially zoned property, sales and display activities shall be limited to daylight hours.
d. There shall be not more than one such use per parcel.
e. Shall comply with Temporary Use review and approval procedures in Article 13 of this Chapter.

(8) Temporary Portable Storage Container. A portable storage container designed and used primarily for temporary storage of household goods and other such materials for use on a limited basis on residential property.

Regulations:

a. Container shall not exceed outside dimensions of 16 feet in length, 8 feet in width, and 9 feet in height.
b. The container shall be permitted on the property for up to 14 days associated with each change of occupancy as defined by a recorded change in property ownership or valid lease.

c. The Temporary Portable Storage Container cannot encroach on the public right-of-way, neighboring property, sidewalk, or be placed in the street. The unit must be sited on asphalt, concrete, gravel, or hard paved surface.

d. The applicant shall provide written permission from the land owner to place the temporary portable storage container on the property in accordance with the regulations listed in this Section.

e. Shall comply with Temporary Use review and approval procedures in Article 13 of this Chapter.

(9) Temporary Shelter. Shelters that are typically supported by poles, have a fabric roof and/or sides and are usually used to shelter automobiles, boats, recreational vehicles, or fire wood on a temporary or permanent basis. These structures are not designed for the snow loading that can occur during the winter months.

Regulations:

a. These structures are not permitted in Village or its Extraterritorial Zoning Jurisdiction. This subsection shall not be interpreted to disallow use of tents and similar fabric structures in association with a permitted camping, temporary sales use, temporary outdoor assembly use such as an outdoor wedding, or other special event as may be permitted in the Village or its extraterritorial jurisdiction.

ARTICLE 4: DENSITY, INTENSITY, BULK REGULATIONS

Section 10-1-0400: Purpose

The purpose of this Article is to establish base density, intensity, and dimensional requirements for each Standard Zoning District. These measures include minimum lot areas and lot widths; measures of intensity of allowable improvements such as residential densities, building coverage, building height, landscape surface ratios and floor area ratios, and the allowable locations of structures and other improvements within a zoned lot though minimum setback and separation requirements. The actual development potential of any site is determined by a variety of other factors, including but not limited to: 1) the area and configuration of the site; 2) the proportion of the site containing protected natural resources; 3) applicable design standards found elsewhere in this Chapter.

Section 10-1-0401: How to Use This Article

(a) This Article contains the base standards which determine the maximum amount of development permitted on a given site, excluding consideration for applicable natural resource protection and design requirements and necessary public right-of-way. This Article recognizes inherent potential differences between agricultural, residential, and nonresidential land uses, and thus regulates their development in slightly different manners. Requirements for Agricultural and Conservancy Zoning Districts are found in Figures 10-1-0402(a) and 10-1-0402(b). Requirements for Residential Zoning Districts are found in Figures 10-1-0403(a) and 10-1-0403(b). Requirements for Business, Office, Manufacturing, Institutional and Airport Zoning Districts are found in Figures 10-1-0404(a) and 10-1-0404(b). Planned Unit Development District and Traditional Neighborhood Development District requirements are addressed in Article 10 and Article 11 respectively.

(b) The density, intensity and bulk regulations set forth in this Article collectively represent the minimum standards and maximum potential for site utilization in a given district. Other regulations set forth in this Chapter and elsewhere in this Title may effectively reduce the density, intensity, and bulk of structures permitted on a given property.

Section 10-1-0402: Agricultural and Conservancy District Density, Intensity, and Bulk Standards

Except where expressly indicated, all lots and improvements within the Agricultural and Conservancy districts shall comply with the standards prescribed in Figures 10-1-0402(a) and 10-1-0402(b). Allowable Yard Setback Adjustments, Intrusions into Required Yards, and Exceptions to Maximum Height are found in Section 10-1-0411 through Section 10-1-0415. Substandard Lots, Nonconforming Uses, Nonconforming Structures, and Nonconforming sites legally created before establishment of these requirements are addressed in Article 12.

Section 10-1-0403: Residential District Density, Intensity, and Bulk Standards

All lots and improvements within Residential zoning districts shall comply with the standards prescribed in Figures 10-1-0403(a) and 10-1-0403(b). Allowable Yard Setback Adjustments, Intrusions into Required Yards, and Exceptions to Maximum Height are found in Section 10-1-0411 through Section 10-1-0415. Substandard Lots, Nonconforming Uses, Nonconforming Structures, and Nonconforming sites legally created before establishment of these requirements are addressed in Article 12.

Section 10-1-0404: Business, Manufacturing, Institutional, and Airport District Density, Intensity, and Bulk Standards

All lots and improvements within Business, Manufacturing, Institutional, and Airport zoning districts created under the provisions of this Chapter shall comply with the standards prescribed in Figures 10-1-0404(a) and 10-1-0404(b). Allowable Yard Setback Adjustments, Intrusions into Required Yards, and Exceptions to

Maximum Height are found in Section 10-1-0411 through Section 10-1-0415. Substandard Lots, Nonconforming Uses, Nonconforming Structures, and Nonconforming sites legally created before establishment of these requirements are addressed in Article 12.

Section 10-1-0405: PUD District and TND District Density, Intensity, and Bulk Standards

All developments in the PUD Planned Unit Development District shall comply with shall comply with density, intensity, and bulk standards established in accordance with the provisions of Article 10. All developments in the TND Traditional Development District shall comply with density, intensity, and bulk standards established in accordance with the provisions of Article 11.

Section 10-1-0406 through Section 10-1-410: Reserved For Future Use

Section 10-1-0411: Yard Setback Adjustments

(a) **Limitations on Yard Setback Adjustments.**

(1) No yard shall be reduced in area or dimension so as to make such yard less than the minimum required by this Chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this Section.

(2) No required yard or lot area allocated to satisfy the minimum yard or lot area requirements for one building or structure shall be used to satisfy the minimum yard or lot area requirement for another building or structure.

(b) **Side and Rear Yard Adjustments for Bufferyards.** In instances where a bufferyard required per Section 10-1-0701 exceeds the minimum required setback width, the minimum required bufferyard width shall prevail. Absolutely no intrusions by a structure, outdoor storage, or paved motor vehicle accommodation areas are permitted within any required bufferyard.

(c) **Front Yard Setback and Corner Lot Street Side Setback Adjustment.** The front yard setbacks shall be adjusted as follows when the described conditions or circumstances exist:

(1) For lots located adjacent to a street with an Officially Mapped or existing right-of-way equal to or exceeding 100 feet, 40 feet of setback is required to address anticipated future conditions of noise and air quality.

(2) The required front yard setback for a principal structure may be reduced on any lot where more than 50 percent of the same type of principal structure on the same block face does not meet the required front yard setback. In such instances, the required front yard setback for the proposed structure shall be the average of all the same-type principal structures on said block face.

Section 10-1-0412: Intrusions into Required Yards

(a) The minimum setbacks listed in Figures 10-1-0402(b), 10-1-0403(b), and 10-1-0404(b) establish the minimum required yards/setbacks in the associated zoning districts, except that the following intrusions by buildings and structures are permitted into the minimum required yards:

(1) Permitted Intrusions Into Required Front or Corner Lot Street Side Yards.

a. Chimneys, flues, sills, pilasters, lintels, cornices, eaves, gutters, satellite dishes with a diameter of 20 inches or less, and other architectural and ornamental features attached to a building; provided they do not extend more than 2.5 feet into the minimum required yard.

b. Yard lights, ornamental lights, and nameplate signs, provided that they comply with the exterior lighting requirements of Section 10-1-0811 and provided they do not locate closer than 3 feet from any lot line.

c. Terraces, steps, open walled porches, decks, stoops, or similar appurtenances to residential buildings, provided they do not extend above the floor level of the adjacent building entrance and do not locate closer than 20 feet from any front or other street property line.

d. Fences, in accordance with Section 10-1-0804.

e. Lawn ornaments and flag poles, provided they are set back at least 3 feet from any lot line, in residential zoning districts flag poles do not exceed 35 feet in height and lawn ornaments do not exceed 6 feet in height, and flag poles are constructed with footings that extend not less than 42 inches below the existing ground level unless secured in another manner verified by a structural engineer.

f. Where the mean natural grade of the yard is more than 8 feet above the curb level, a private garage may be erected within the front yard, provided that the garage shall be set back a least 5 feet from any front or street side lot line; the floor of the garage shall not be more than one foot above curb level; and not more than half the height of the garage shall be above the mean grade of the front yard.

(2) Permitted Intrusions Into Required Interior Side Yards.

a. Sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, satellite dishes with a diameter of 20 inches or less, and other ornamental features attached to a building, provided they do not extend more than 2.5 feet into the minimum required yard.

b. Fences in accordance with Section 10-1-0804 and bufferyard requirements of Section 10-1-0701.

c. Fire escapes which do not extend more than three feet into the required yard.

d. Lawn ornaments and flag poles, provided they are set back at least 3 feet from any lot line, in residential zoning districts flag poles do not exceed 35 feet in height and lawn ornaments do not exceed 6 feet in height, and flag poles are constructed with footings that extend not less than 42 inches below the existing ground level unless secured in another manner verified by a structural engineer.

(3) Permitted Intrusions Into Required Rear Yards.

a. Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings, provided they do not locate closer than 20 feet to the rear lot line.

b. Sills, pilasters, lintels, cornices, eaves, gutters, satellite dishes with a diameter of 20 inches or less, and other architectural and ornamental features attached to a building, provided they do not extend more than 2.5 feet into the minimum required yard.

c. Fences in accordance with Section 10-1-0804 and bufferyard requirements of Section 10-1-0701.

d. Fire escapes which do not extend more than three feet into the required yard.

e. Lawn ornaments, clothes lines, and flag poles, provided they are set back at least 3 feet from any lot line, in residential zoning districts flag poles do not exceed 35 feet in height and lawn ornaments do not exceed 6 feet in height, and flag poles are constructed with footings that extend not less than 42 inches below the existing ground level unless secured in another manner verified by a structural engineer.

Section 10-1-0413: Exceptions to Maximum Height Regulations

(a) The maximum building heights listed in Figures 10-1-0402(b), 10-1-0403(b) and 10-1-0404(b) are the maximum permitted heights for all buildings and structures in the associated zoning districts, except for:

(1) Church spires; belfries, cupolas and domes which do not contain useable space; public monuments; communication, water, fire and hose towers; flag poles; Accessory Farm or Forestry Structures such as barns, silos and grain elevators.

(2) Any building or structure not among those listed in subsection (a)(1) above, upon the granting of a Conditional Use Permit which specifically states the maximum permitted height of the proposed building or structure.

(b) For a structure described under subsection (a) to exceed the maximum building heights in Figures 10-1-0402(b), 10-1-0403(b) and 10-1-0404(b), all of the following criteria must be met:

(1) The structure must be constructed with footings that extend not less than 42 inches below the existing ground level, unless a structural engineer stamps a plan verifying that a lesser footing depth is sufficient to secure the structure.

(2) The structure will be set back from all property lines consistent with the applicable requirements of Figures 10-1-0402(b), 10-1-0403(b), and 10-1-0404(b), or with any permitted intrusions in Section 10-1-0412.

(3) The placement of the structure will not have an undue negative impact on light and air on adjacent properties, in the opinion of the Zoning Administrator.

(c) In the event of conflict between the exceptions authorized under subsection (a) and the maximum heights permitted under Section 10-1-0508, related to the AO-H Airport Height Overlay District, the maximum heights under Section 10-1-0508 shall control.

Section 10-1-0414: Building Coverage Inclusions and Exclusions

(a) In all districts, all principal and accessory structures rising one or more foot above the immediate surrounding grade including garages, sheds, carports, roofed or walled storage areas, covered or uncovered decks, gazebos, boathouses, and above-ground swimming pools shall be counted as building coverage.

(b) At-grade impervious surfaces such as driveways; paved, wood, or gravel patios and walkways; tennis courts, basketball courts and other hard surface recreational areas; in-ground swimming pools; and landscaping retaining walls; and minor incidental structures such as fences, planters, bird baths, lawn statues, seasonal decorative displays, poles for clothes drying, flag poles; and portable play structures such as swing sets and trampolines, and doghouses shall not be counted as building coverage.

Section 10-1-0415: Landscape Surface Ratio Inclusions and Exclusions

(a) In all districts, all impervious or semi-impervious surfaces including principal structures, accessory structures (garages, sheds, carports, outdoor storage shelters, covered or uncovered decks, gazebos, etc.) and large, permanent non-structural impervious surfaces such as driveways; paved, wood, or gravel patios and walkways; tennis courts, basketball courts, and other hard surface recreational areas; swimming pools, and gravel or paved outdoor storage areas shall not count as the required landscape surface area.

(b) Minor or temporary impervious surfaces such as landscaping retaining walls, planters, bird baths, lawn statues, seasonal decorative displays, poles for clothes drying, flag poles, portable play structures such as swing sets and trampolines, stormwater management basins and swales, and grass roofs shall be included in the calculation of the landscape surface area.

Sections 10-1-0416 Through 10-1-0420: Reserved For Future Use

Figures 10-1-0402 Through 10-1-0404

Figure 10-1-0402(a): Agricultural and Conservancy District Lot Dimension and Intensity Standards

Zoning District	Minimum Lot Area (MLA)	Minimum Lot Width (ft)	Maximum Total Building Coverage	Maximum Accessory Structure Floor Area (sf) (a)	Minimum Landscape Surface Ratio (LSR)
A-P Agricultural Preservation District	35 acres	300	N/A	N/A	N/A
A-H Agricultural Holding District	87,120 sf	250	N/A	1,500	N/A
A-T Agricultural Transition District	32,670 sf	80	N/A	1,500	N/A
CON Conservancy District	43,560 sf	80	10%	1,200	80%

(a) Maximum accessory structure floor areas apply only to detached Accessory Residential Structures. For Accessory Farm or Forestry Structures and Accessory Non-Residential Structures, there is no maximum floor area in these zoning districts."

Figure 10-1-0402(b): Agricultural and Conservancy District Setback and Height Standards

Zoning District	Minimum Setbacks (ft) (b)(d)									Minimum Principal Structure Separation (ft)	Max Building Height			
	Principal Structure or Attached Garage				Detached Accessory Structure			Pavement (e)			Residential Structure		Accessory Building (c)	
	Front (a)	Corner Lot Street Side (a)	Interior Side (b)	Rear (b)	Front (a)	Side (f)	Rear	Interior Side or Rear	Front or Street (a)		Feet	Floors	Feet	Floors
A-P	50	25	25	30	50	20	25	N/A	N/A	40	N/A	N/A	40(c)	1(c)
A-H	50	25	25	30	50	20	25	N/A	N/A	40	N/A	N/A	40(c)	1(c)
A-T	30	15	12	30	30	8(f)	8	N/A	N/A	30	N/A	N/A	40(c)	1(c)
CON	25	25	12	25	25	8(f)	8	5	10	30	30	2.5	15	2

(a) Measured from existing or Officially Mapped right-of-way line, whichever is farthest from the centerline of the street.

(b) Additional setback may be required along zoning district boundaries for landscape buffers. See Section 10-1-0701.

(c) For Accessory Farm or Forestry Structures, height shall instead not exceed twice the distance to the nearest property line and there is no maximum number of floors.

(d) Minimum setback from existing or Officially Mapped Federal, State, County Trunk Highway right-of-way line is 40 feet. Minimum setback from US Highway 12 is 175 feet from centerline of highway right-of-way.

(e) Includes all gravel, black-top, or other paved surfaces. This setback excludes intrusions required for driveway entrances and permitted or required cross access driveways and pedestrian ways; shared driveways; and shared parking lots.

(f) On corner lots, street side yard setbacks must be equal to or greater than the principal structure.

Figure 10-1-0403(a): Residential District Lot Dimension and Intensity Standards

Zoning District	Minimum Lot Area (MLA) (sf)	Minimum Lot Width (ft) (a)	Maximum Total Building Coverage	Maximum Accessory Structure Floor Area (sf)	Minimum Landscape Surface Ratio (LSR)
R-R Single-Family Residential	21,780	80	30%	1,500	50%
R-1-A Single-Family Residential	9,000	80	30%	1,000	50%
R-1-B Single-Family Residential	7,200	60	40%	1,000	40%
R-2 Two-Family Residential (c)					
For Duplex (over/under)	8,000	60(a)	40%	1,000	40%
For Duplex (side-by-side)	5,000/du	80 (b)	40%	1,000	40%
R-M Multi-Family Residential (d)	2,000 + 500 /bedroom	100	40%	10% of Lot Area	40%

(a) For corner lots, minimum lot width is 10 feet wider than normal minimum lot width in district.
(b) For "Zero lot line structure" situations, each lot containing a separate dwelling unit must be at least 40 feet in width.
(c) Single-Family homes within the R-2 District shall comply with the R-1-B District requirements.
(d) Single-Family homes within the R-M District shall comply with the R-1-B District requirements. Two-Family homes within the R-M District shall comply with applicable R-2 District Requirements.

Figure 10-1-0403(b): Residential District Setback and Height Standards

Zoning District	Minimum Setbacks (ft) (b)(g)									Minimum Principal Structure Separation (ft)	Maximum Building Height			
	Principal Residential Structure or Attached Garage				Detached Accessory Structure			Pavement (d)			Residential Structure		Accessory Building	
	Front (a)	Corner Lot Street Side (a)	Interior Side	Rear	Front (a) (h)	Side (c)	Rear	Interior Side or Rear	Front or Street (a)		Feet	Floors	Feet	Floors
R-R	30	15	12	30	30	8	8	3	10	20	30	2.5	15	1
R-1-A	30	15	10	30	30	4	4	3	10	20	30	2.5	15	1
R-1-B	30	15	8	20	30	4	4	3	10	20	30	2.5	15	1
R-2(e)	25	15	10	25	25	4	4	3	10	20	30	2.5	15	1
R-M (f)	25	15	12	25	25	4	4	3	10	20	35	3	15	1

(a) Measured from existing or Officially Mapped right-of-way line, whichever is furthest from the centerline of the street.

(b) Additional setback may be required along zoning district boundaries for landscape buffers. See Section 10-1-0701.

(c) On corner lots, street side yard setbacks must be equal to or greater than the minimum street side setback for the principal structure.

(d) Includes all gravel, black-top, or other paved surfaces. This setback excludes intrusions required for driveway entrances and permitted or required for cross access driveways and pedestrian ways; shared driveways; and shared parking lots.

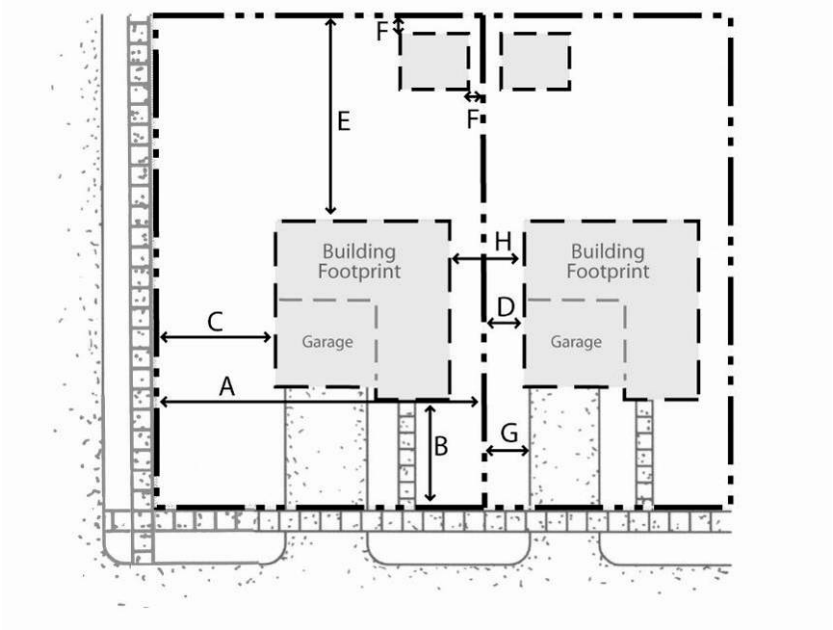
(e) Single-Family homes shall comply with the requirements for the R-1-B District.

(f) Single-Family homes shall comply with the requirements of the R-1-B District. Two-Family homes shall comply with the requirements for the R-2 District

(g) Minimum setback from existing or Officially Mapped Federal, State, County Trunk Highway right-of-way line is 40 feet, Minimum setback from US Highway 12 is 175 feet from centerline of highway right-of-way.

(h) Except within the R-R district or by site plan approval under this Chapter, no part of any Accessory Residential Structure (Detached) may be located in the front yard between the front lot line and the dwelling.

Figure 10-1-0403(a): Diagram of Lot Dimension and Structural Setback Requirements Single Family Residential Use (Each Dwelling on Single Lot)



Key to Illustrated Dimensional Requirements in Figure 10-1-0403 (a) – (e)

A: Minimum Lot Width (At Building Minimum Setback Line)

B: Front Setback (lot line to principal structure or attached garage):

C: Corner Lot Street Side Setback (lot line to principal structure or attached garage)

D: Interior Side Setback (lot line to principal structure or attached garage)

E: Rear Setback (lot line to principal structure or attached garage)

F: Accessory Structure Side and Rear Setback (lot line to accessory structure)

G: Minimum Pavement Setbacks (lot line to pavement excluding driveways entrances, etc)

H: Minimum Principal Structure Separation (multi-structure developments on shared lots)

Figure 10-1-0403(b): Diagram of Lot Dimension and Structural Setback Requirements Two Family Residential Use (Side-by Side Duplexes with Both Units on Single Lot)

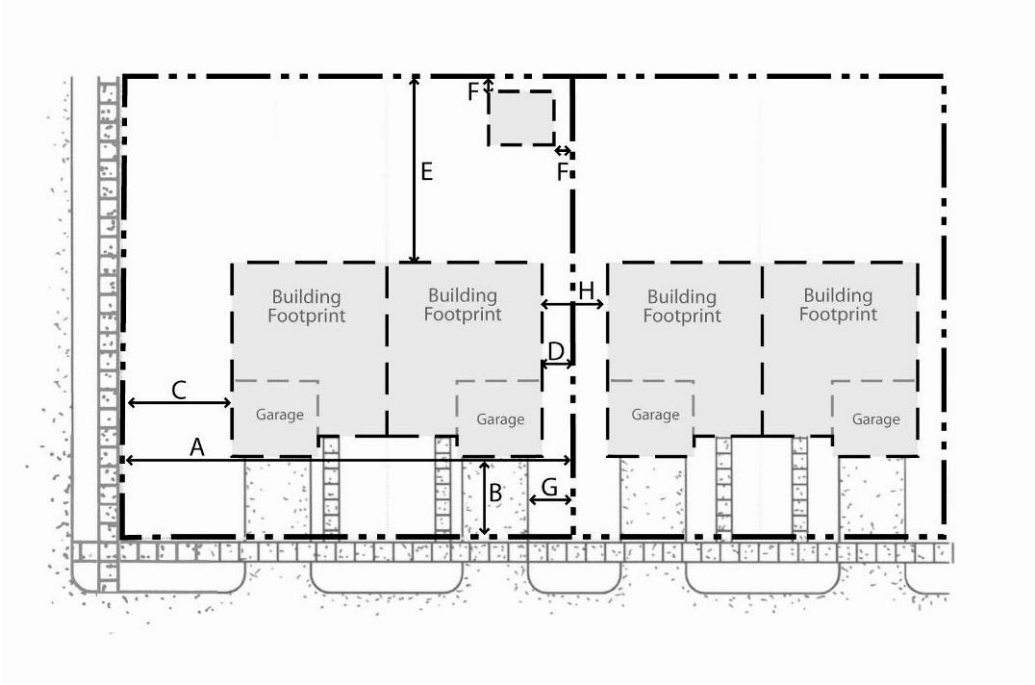
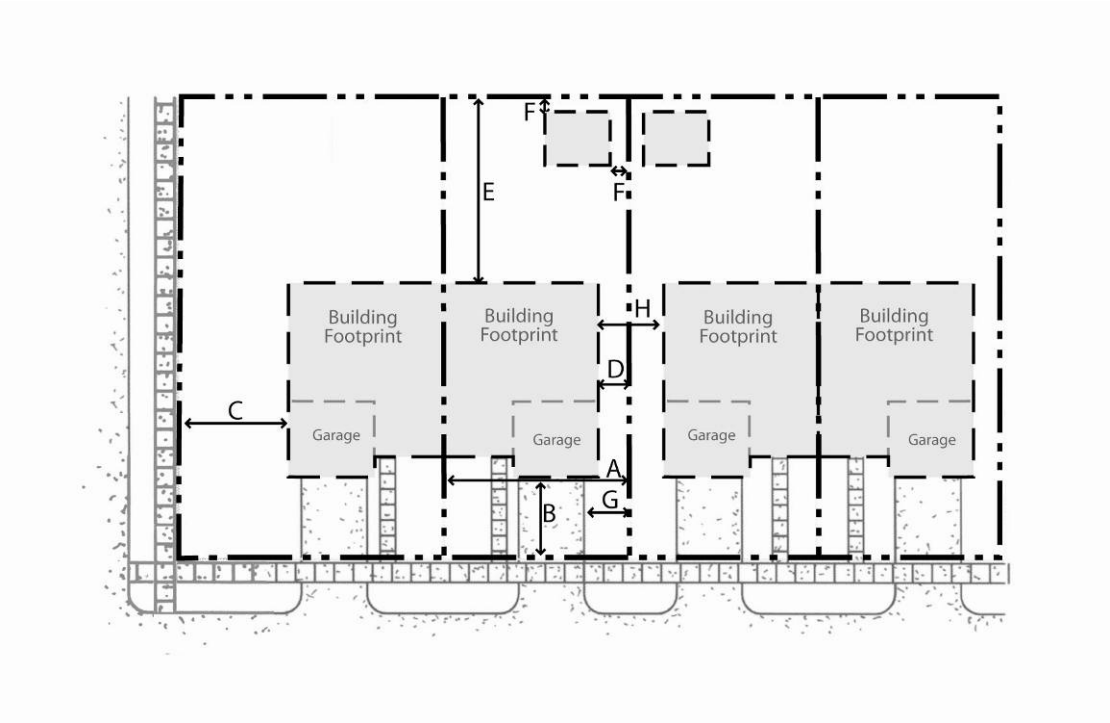


Figure 10-1-0403(c): Diagram of Lot Dimension and Structural Setback Requirements Two Family and Townhouse Residential Uses (Side-by-side Duplex or Townhouse with Each Unit on Separate Lot—Zero Lot Line Structure)



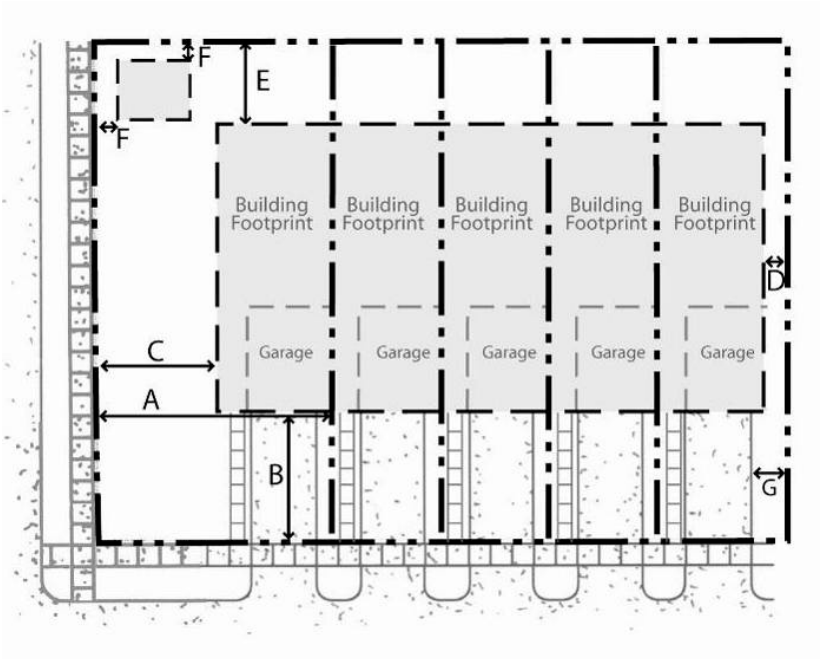


Figure 10-1-0403(d): Diagram of Lot Dimension and Structural Setback Requirements Multi-Family (3+ Unit) Residential Buildings (all units on same lot)

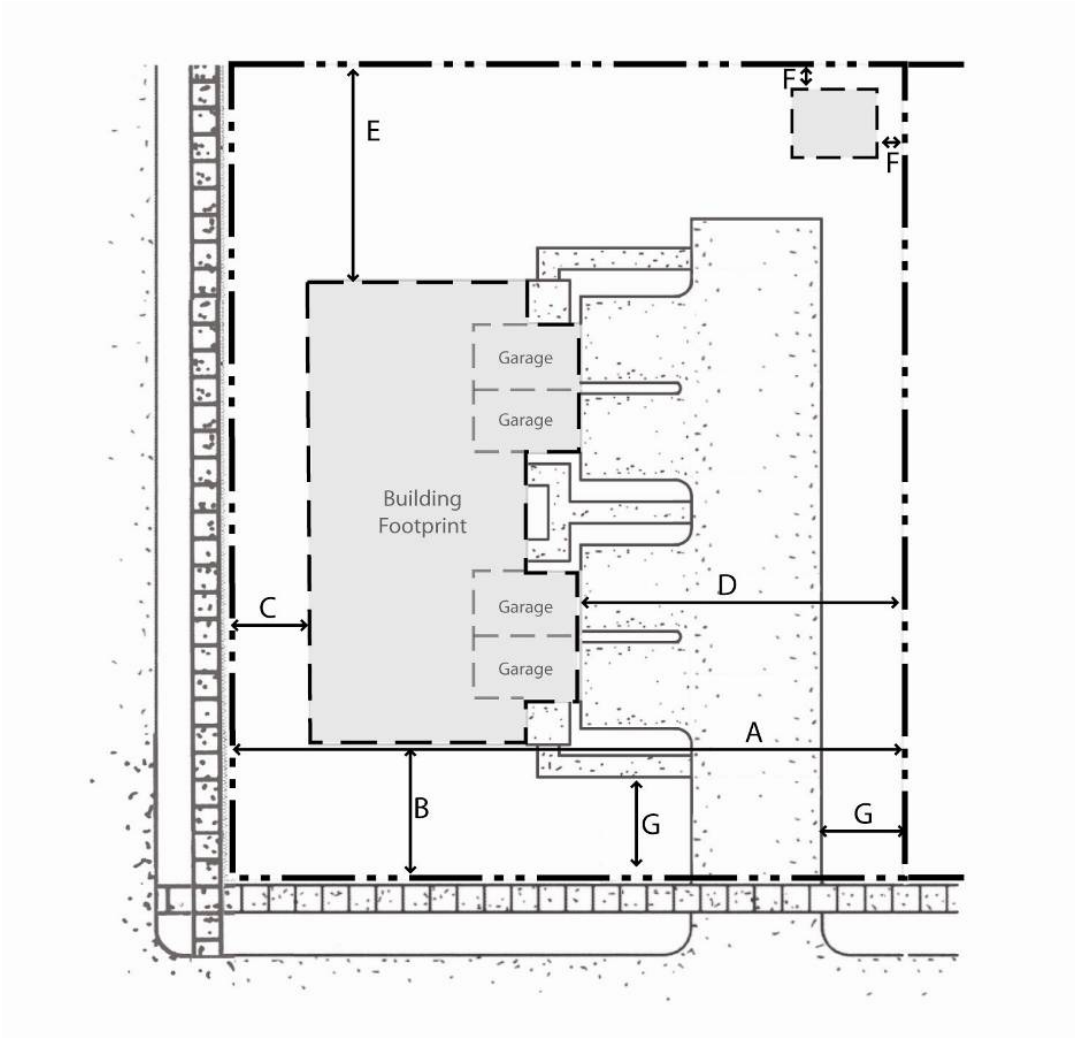


Figure 10-1-0404(a): Business, Manufacturing, Institutional and Airport District Density and Intensity Standards

Zoning District	Minimum Lot Area (MLA) (sf)	Minimum Lot Width (ft)	Minimum Landscape Surface Ratio (LSR)	Max Floor Area Ratio (FAR) (a)
B-N	10,000	80 (c)	20%	0.5
B-C	3,700	33	0%	4.0
B-H	10,000	80 (c)	20%	1.0
B-R	20,000	250	20%	0.25
O-R	43,560	120	20%	1.0
M-L	10,000	100	0%	0.75
M-G	87,120	250	20%	1.0
I-1 (b)	10,000 (b)	100 (b)	20% (b)	1.0 (b)
AIR	43,560	120	20%	1.0

(a) Does not include structured parking and underground parking.
(b) I-1 Institutional Districts adjacent to the B-C District shall instead follow the standards of the B-C Central Business District.
(c) For corner lots, add 10 feet to minimum lot width in table.

Figure 10-1-0404(b): Business, Office, Manufacturing, Institutional, and Airport District Setback and Height Standards

Zoning District	Minimum Setbacks (ft) (b)(g)						Minimum Principal Building Separation (ft)	Maximum Building Height (stories/ft)	
	Principal and Accessory Building to Front and Street Side Lot Lines (a)	Principal Building to Interior Side Lot Line	Principal Building to Rear Lot Line	Side/Rear to Accessory Building (d)	Pavement (c)				
					Front or Street Side	Interior Side or Rear		Principal Bldgs	Accessory Bldgs
B-N Neighborhood Business	25	15	20	4/4	10	5	10	2/30	1/20
B-C Central Business	0	0 (f)	0	0/0	5	0	0	3/45	1/20
B-H Highway Business	35	15	30	12/15	10	5	10	3/45	1/20
B-R Rural Business	35	15	30	12/15	10	5	10	3/45	1/20
O-R Office and Research	25	15	20	12/15	10	5	10	4/60	2/35
M-L Limited Manufacturing	25	15	30 (h)	12/15	10	5	10	3/45	1/20
M-G General Manufacturing	35	15	30 (h)	12/15	10	5	10	3/45	2/35
I-1 Institutional (e)	25 (e)	15 (e)	20 (e)	4/4	10 (e)	5 (e)	10 (e)	4/60 (e)	1/20
AIR Airport	35	15	30	12/15	10	5	10	2/30	1/20

(a) Measured from existing or Officially Mapped right-of-way line, whichever is furthest from the centerline of the street.
(b) Additional setback may be required along zoning district boundaries for landscape buffers. See Section 10-1-0701.
(c) Includes all gravel, black-top, or other paved surfaces. This setback excludes intrusions required for driveway entrances and permitted or required for cross access driveways and pedestrian ways; shared driveways; and shared parking lots.
(d) On corner lots, street side yard setbacks must be equal to or greater than the minimum street side setback for the principal structure.
(e) I-1 Institutional Districts adjacent to the B-C District shall instead use the same standards as the B-C District.
(f) If side yard is provided, must be at least 10 feet from non-residential district and 15 feet from residential district.
(g) Minimum setback from US Highway 12 is 175 feet from centerline of highway right-of-way.
(h) For each principal building constructed prior to August 18, 2011, the minimum setback between such building and the rear lot line shall be 15 feet.

ARTICLE 5: OVERLAY DISTRICTS

Section 10-1-0500: Purpose

The purpose of this Article is to establish Overlay Zoning Districts wherein certain additional requirements are superimposed on the underlying Standard Zoning Districts set forth in Article 2 of this Chapter. Each Overlay District is intended to address a special land use circumstance beyond those addressed by the underlying zoning district. Special requirements include mandatory protections against natural hazards, mandatory protections of valued natural resources, special design guidelines, and measures to ensure compatibility with airport flight operations. Each Overlay District is intended to implement one or more aspects of the Comprehensive Plan, ensure compliance with Federal and State requirements, or both.

Section 10-1-0501: How to Use this Article

(a) A given property may lie within one or more Overlay Districts, based on its geographic location. The provisions of this Article shall be consulted before issuance of any building permit, site plan approval, conditional use permit, zoning permit, zoning change, or land division to ensure the intended use meets all of the requirements of any applicable Overlay District.

(b) For each Overlay District established in this Article, a definition of the resource or geographic area is provided, followed by the specific purposes of the protective regulations governing the resource or geographic location, the method of delineating the boundaries of the Overlay District (also as typically depicted on the Official Overlay Zoning District map), and the associated development regulations or references.

Section 10-1-0502: Overview of Overlay Zoning Districts

(a) For the purpose of this Chapter, the following Overlay Districts are described:

	Description of District Found at…
FP Floodplain District	10-1-0503
SP Shoreland Protection District	10-1-0504
LWR Lower Wisconsin Riverway District	10-1-0505
WHP Wellhead Protection District	10-1-0506
DO Downtown Overlay District	10-1-0507
AO-H Airport Height Limitation Overlay District	10-1-0508
AO-R Airport Runway Protection Overlay District	10-1-0509

(b) Except where otherwise indicated in this Article, the Overlay Districts are represented on the Official Overlay Zoning Map, adopted and from time to time amended by the Village of Prairie du Sac.

Section 10-1-0503: FP Floodplain District

(a) **Description and Purpose.** The Floodplain District includes all territory within the Floodway District, Floodfringe District, and General Floodplain Districts, as depicted on the Official Floodplain Zoning Map as defined and adopted in Title 10, Chapter 2: Floodplain Zoning of the Village of Prairie du Sac Code of Ordinances for lands within the Village and the Sauk County Floodplain zoning regulations outside of the Village limits. Land within the Village Floodway, Floodfringe, and/or General Floodplain shall be subject to the requirements of Title 10, Chapter 2: Floodplain Zoning of the Village of Prairie du

Sac Code of Ordinances in addition to requirements of the underlying Standard Zoning District, any other applicable Overlay District, and other requirements of this Chapter.

Section 10-1-0504: SP Shoreland Protection District

(a) **Description and Purpose.** The Sauk County Shoreland Protection Ordinance fulfills Wisconsin shoreland protection mandates through its Shoreland District and Shoreland-Wetland District. Pursuant to Wisconsin Statutes, all territory annexed by the Village after May 7, 1982 is subject to the Sauk County Shoreland Protection Ordinance, unless the Village were to adopt a shoreland protection ordinance as restrictive or more restrictive than the County's. The Village has elected not to adopt a separate ordinance. Therefore, within applicable lands annexed after May 7, 1982, the Village enforces the provisions of the Sauk County Shoreland Protection Ordinance. Sauk County continues to be responsible for administration of the Sauk County Shoreland Protection Ordinance for all territory outside of the Village limits, including within the Extraterritorial Zoning Jurisdiction.

(b) **Shoreland Protection District Boundaries.** The SP Shoreland Protection District includes all territory within the Sauk County Shoreland District.

(c) **Shoreland Protection District Requirements.**

(1) Territory within the SP Shoreland Protection District shall be subject to the applicable requirements of the Sauk County Shoreland Protection Ordinance, as from time to time amended by Sauk County, The Village shall administer such regulations within applicable lands annexed to the Village after May 7, 1982, the County shall administer such regulations in the unincorporated area, and there shall be no such regulations for all lands within the Village on May 7, 1982

(2) The requirements of the underlying Standard Zoning District, other Overlay Districts and other requirements of this Chapter shall also apply. Where requirements of this Section and other provisions of this Chapter conflict, the most restrictive shall apply.

Section 10-1-0505: LWR Lower Wisconsin Riverway District

(a) **Description and Purpose.** Lands, shorelands, and waterways under the jurisdiction the Lower Wisconsin State Riverway shall be subject to all requirements established under Wisconsin Statutes and administered by the Lower Wisconsin State Riverway Board. Any applicant for a building permit or zoning permit shall first be required to demonstrate compliance with all applicable Lower Wisconsin State Riverway procedures and requirements before the Village issues such permit(s).

Section 10-1-0506: WHP Wellhead Protection District

(a) **Description and Purpose.** The Village and its extraterritorial zoning jurisdiction depend exclusively on ground water for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade ground water quality. The purpose of this Section is to institute land use regulations and restrictions to protect the Village's municipal water supply and well fields, and to promote the public health, safety, and general welfare of the residents, employees, and visitors of the Village. The restrictions imposed in this Section are in addition to those of the underlying Standard Zoning District or any other provisions of this Chapter. This Section is established under the authority of Sections 62.23(7)(a) and (c), Wisconsin Statutes and NR 811 of the Wisconsin Administrative Code.

(b) **WHP Wellhead Protection District Boundaries.** The regulations of this Section shall apply to land surrounding Wells #2, #3, and #4, within wellhead protection district boundaries as mapped on the Official Overlay Zoning Map.

(c) **Separation Distance Requirements.** Minimum separation distances shall be maintained between the well and other facilities within the WHP overlay district, per NR 811.12(5)(d) of the Wisconsin

Administrative Code, where such facilities were not in existence on August 18, 2011 and were not in continuous operation following that date. Such facilities include, but may not be limited to:

(1) Emergency or standby power system.

(2) Storm water retention or detention pond.

(3) Storm sewer main.

(4) Sanitary sewer main, manhole, lift station.

(5) Storage tank for gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

(6) Private on-site waste treatment (septic) system tank or dispersal component.

(7) Cemetery.

(8) Land application of municipal, commercial, or industrial waste.

(9) Agricultural, industrial, commercial or municipal waste water treatment plant, treatment units, lagoons, or storage structures.

(10) Manure stacks or storage structures.

(11) Solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility.

(12) Sanitary landfill.

(13) Any property with residual groundwater contamination that exceeds NR 140 enforcement standards.

(14) Salt or deicing material storage area.

(d) **Prohibited Uses**. The uses listed within this subsection (d) are prohibited uses within the WHP overlay district, except that existing facilities and land uses as of August 18, 2011 shall be permitted to continue subject to the requirements in subsection (g) below:

(1) Animal stockyards.

(2) Coal storage facilities.

(3) Dumping or disposing of garbage, refuse, trash, or demolition material, including landfills but excluding composting and post-consumer recycling facilities.

(4) Hydrocarbon and hazardous chemical storage tanks, with hazardous chemicals identified by OSHA criteria under 40 CFR Part 370, but not including residential LP gas tanks.

(5) Manure and animal waste storage facilities, except for animal waste storage facilities regulated by Sauk County.

(6) Outdoor industrial waste storage facilities, such as industrial lagoons and pits.

(7) Rendering plants and slaughterhouses.

(8) Wastewater and sewage lagoons.

(9) Storage or processing of extremely hazardous substances, radioactive materials or substances listed in Table 1, NR 140 of the Wisconsin Administrative Code. (Extremely hazardous substances are identified by SARA/EPCRA criteria under 40 CFR Parts 302 and 355.)

(e) **Conditional Uses**. The land uses listed below within this subsection (e) are conditional uses within the WHP overlay district, provided that such uses are also allowed in the underlying standard zoning district

(e.g., M-L, R-1-A). Uses not listed below or in subsection (d) are permitted by right in the WHP overlay district, provided that such uses are also permitted by right in the underlying standard zoning district. Any of the following uses that are not allowed in the underlying standard zoning district, per the use tables in Article 3, may not be established in the part of the WHP district that overlays that standard zoning district. All uses shall be further subject to the separation standards in subsection (c).

(1) Asphalt products manufacturing plants.

(2) Automobile fueling, service, painting, repair, and/or maintenance facilities.

(3) Building materials and product sales.

(4) Car washes.

(5) Cartage and express facilities.

(6) Cemeteries.

(7) Center-pivot or other large-scale irrigated agriculture operations.

(8) Chemical storage, sale, processing, and/or manufacturing facilities.

(9) Composting and post-consumer recycling facilities.

(10) Dry cleaning establishments.

(11) Electronic circuit assembly plants.

(12) Electroplating plants.

(13) Exterminating shops.

(14) Fertilizer or pesticide manufacturing, storage, or sales facilities.

(15) Foundries and forge plants.

(16) Industrial liquid waste storage areas, indoor.

(17) Junk yards and salvage yards.

(18) Metal plating, reduction, and/or refinement plants.

(19) Mineral extraction operations.

(20) Motor and machinery service and assembly shops.

(21) Motor freight terminals, rail yards.

(22) Petroleum products processing.

(23) Pharmaceuticals manufacturing.

(24) Photography studios involving the developing of film and pictures (digital excluded).

(25) Plastics manufacturing.

(26) Printing and publishing establishments.

(27) Private on-site wastewater treatment systems or holding tanks receiving 8,000 gallons per day or more.

(28) Pulp and paper manufacturing.

(29) Salt or de-icing storage facilities.

(30) Septage or sludge spreading, storage, treatment or disposal, not including wastewater and sewage lagoons.

(31) Storage, manufacturing or disposal of toxic or hazardous materials not listed as prohibited uses.

(32) Underground petroleum products storage tanks, and above-ground petroleum product storage tanks greater than 660 gallons. All new or replaced tanks shall also be installed in compliance with SPS 10 of the Wisconsin Administrative Code.

(33) Woodworking, wood preserving, and wood products manufacturing.

(34) Any other use with characteristics similar to one or more of the above listed uses, in the determination of the Zoning Administrator.

(f) **Conditional Use Permit Application Requirements**.

(1) Application. In addition to conditional use permit application requirements in Section 10-1-1304(c), the Zoning Administrator may require an environmental impact study, environmental assessment, or such other information as necessary to evaluate the application against the conditional use permit criteria in this subsection and in Section 10-1-1304(d).

(2) Criteria. General criteria for conditional use permit approval are included within Section 10-1-1304(d). In its consideration of conditional use permit applications for one of the listed conditional uses in subsection (e) within the WHP overlay district, the Plan Commission (or Joint Committee in the extraterritorial zoning jurisdiction) shall also consider the following additional criteria:

a. The Village's responsibility as a public water supplier to protect and preserve public health, safety and welfare.

b. The potential of the proposed use to seriously threaten or degrade groundwater quality.

c. The availability of alternative uses, locations, and operational characteristics, and the cost, effect, and extent of availability of such alternatives.

d. The proximity of the applicant's property to other potential sources of contamination or vulnerable activities or uses.

e. The then-existing condition of the associated well, well field, well recharge area, and the vulnerability to further contamination.

f. The direction of flow of groundwater and other factors in the area of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table, and location of private wells.

g. The zone of contribution for, or distance from, the associated well within which the proposed use is located.

h. Any other hydrogeological data or information which is available from any public or private agency or organization.

i. The potential benefit, both economic and social, from the approval of the application.

(3) Approval Conditions. In its approval of any conditional use permit within the WHP overlay district, the Plan Commission (or Joint Committee in the extraterritorial zoning jurisdiction) may impose conditions to provide:

a. Environmental and/or safety monitoring to indicate whether the facility may be emitting any contaminants.

b. A financial guarantee in a form determined by the Village for future monitoring and cleanup

costs.

c. Any requirement authorized for existing facilities and land uses under subsection (g).

(g) **Requirements for Existing Facilities and Land Uses.**

(1) At the request of the Zoning Administrator, existing facilities and land uses, as defined under Section 10-1-0104, shall provide to the Village copies of all federal, state and local facility operation approvals or certificates and ongoing environmental monitoring results.

(2) Existing facilities and land uses shall provide additional environmental or safety monitoring as deemed necessary by the Village Board, including the production of any and all environmental statements detailing the extent of chemical use and storage on the property.

(3) Existing facilities and land uses, when upgrading or expanding, shall replace equipment or expand in a manner that improves existing environmental and safety technologies and performance.

(4) At the request and to the satisfaction of the Zoning Administrator, existing facilities and land uses shall devise and file with the Village, a contingency plan for unexpected release of contaminants or other emergency events.

(5) Property owners with an existing agricultural use are exempt from requirements of this section as they relate to restrictions on agricultural uses, but such exemption shall only apply to operations in existence as of August 18, 2011, and continually operating after that date.

(h) **Violations and Compliance.** In the event an individual and/or facility within the WHP district causes the release of any contaminants which endanger the public, in the determination of the Village, the individual and/or facility causing said release shall immediately cease and desist, and initiate clean-up satisfactory to the Village and the other state and federal regulatory agencies. The person or other entity who releases such contaminants and the person who owns the facility whereon the contaminants have been released shall be jointly and severally responsible for the cost of clean-up, consultant or other contractor fees, and all administrative costs for oversight, review and documentation, including for Village employees, contractors, equipment, and mileage. Following any such release, the Village may require additional environmental and/or safety monitoring. As a substitute for or in addition to any other action authorized above and under Section 10-1-1320, the Village may commence legal action against the individual and/or facility to recover the costs, together with the costs of prosecution.

Section 10-1-0507: DO Downtown Overlay District

(a) **Description and Purpose.** The DO Downtown Overlay District is intended to preserve the architectural and historic character of the downtown, and promote infill development and redevelopment of property so zoned, in a manner that respects the downtown's historic character and enhances its economic viability in a manner consistent with the Comprehensive Plan.

(b) **DO Downtown Overlay District Boundaries.** The boundaries of the DO District are as depicted on the Official Overlay Zoning Map.

(c) **DO Downtown Overlay District Requirements.**

(1) All new uses, buildings, and sites constructed within the DO District and all modifications to the exteriors of existing buildings and sites shall be subject to the design principles set forth in "Design Guidelines for the Downtown Prairie du Sac, Wisconsin", any Village adopted amendments thereto, and such other duly adopted design guidelines made applicable to the DO District by action of the Village Board or Plan Commission.

(2) All modifications to the exteriors of existing buildings and sites, all new buildings and sites, and all accessory structures including but not limited to telecommunications and energy facilities within the

DO District are subject to site plan approval under Section 10-1-1307 of this Chapter, except for Single-Family and Two-Family residential land uses (and associated accessory structures). Site plan approval may be granted by the Zoning Administrator instead of the Plan Commission for the following types of modifications, but only where such modifications are consistent with the "Design Guidelines for Downtown Prairie du Sac, Wisconsin" and this Chapter:

a. Repainting an already-painted building a similar color.

b. Replacing original building materials with like materials.

c. Installing signage or lighting.

d. Restoring architectural details, features, or materials documented to have originally existed on the building or site.

Section 10-1-0508: AO-H Airport Height Limitation Overlay District

(a) **Description and Purpose.** The AO-H Airport Height Limitation Overlay District is intended to regulate the height of structures relative to air travel associated with the Sauk Prairie Airport, in order to protect the public health, safety, and welfare of airport users and residents and employees within of the surrounding area. The standard AIR Airport District has been established in a separate section of this Chapter specifically for the purpose of regulating uses on the Sauk Prairie Airport property. While the boundaries of the two districts overlap, the AIR and AO-H districts are separate zoning districts with separate purposes and regulations.

(b) **AO-H Airport Height Limitation Overlay District Boundaries.** The AO-H District extends to all areas under the geographic jurisdiction of this Chapter, limiting the height of structures within such jurisdiction.

(c) **AO-H Airport Height Limitation Overlay District Requirements.**

(1) The maximum height above mean sea level of all new or expanded structures shall be as indicated on the Height Limitation Zoning Map prepared by the Wisconsin Bureau of Aeronautics, dated 6/26/02 and from time to time amended. The Zoning Administrator may permit a greater height than that specified by such Map for the affected area, if such greater height is favorably recommended by the Bureau of Aeronautics and is consistent with the purpose of this Section. The requirements of the Height Limitation Zoning Map shall not apply retroactively to any structure lawfully erected before July 1, 2011, except that this requirement may affect the subsequent vertical expansion of such a structure.

(2) Prior to issuing or authorizing a zoning permit or building permit, the Zoning Administrator may require any information deemed necessary to make a determination regarding compliance with the requirements of the AO-H District and/or may refer the application to the Wisconsin Bureau of Aeronautics. Required information may include the exact height, location, and current and finished ground elevation of the structure.

(3) All allowable uses and structures within the AO-H District shall comply with all other applicable standards of the underlying Standard Zoning District and any other applicable Overlay District requirements with regard to use, lot dimensions, intensity of use and structures, setbacks, height and all other dimensional and other requirements.

Section 10-1-0509: AO-R Airport Runway Protection Overlay District

(a) **Description and Purpose.** The AO-R Airport Runway Protection Overlay District is intended to regulate uses and structures in areas over which final approaches to and initial departures from the Sauk Prairie Airport occur. Uses and structures in the AO-R District are restricted to those which will not create, attract, or bring together any significant assembly of people, birds, or buildings, in order to protect the health, safety, and welfare of airport users and the general public. The AIR Airport District has been established in a separate section of this Chapter specifically for the purpose of regulating uses on the Sauk Prairie Airport and related property. While the boundaries of the two districts overlap, the AIR and AO-R districts are separate zoning districts with separate purposes and regulations.

(b) **AO-R Airport Runway Protection Overlay District Boundaries.** The boundaries of the AO-R District are as depicted on the Official Overlay Zoning Map.

(c) **AO-R Airport Runway Protection Overlay District Requirements.**

(1) The following uses and structures are prohibited in the AO-R District: buildings; overhead transmission towers and lines; commercial wind energy system; communications tower; pylon sign; any use that requires or allows assembled groups of people (except as indicated in Subsection (2) below); any use that causes interference with radio or electronic facilities associated with the airport; any lighting that makes it difficult to distinguish airport lights, results in glare in pilot's eyes, or otherwise impairs visibility; fish farms; artificial aquaculture or wildlife ponds; waste disposal facility/composting facility; wastewater treatment facility; outdoor reservoir; outdoor pool; any stormwater management basin over one acre in area and designed to retain water for 48 hours or greater; any other use or structure that would encourage the concentration of birds, except for customary and reasonable agricultural practices. This requirement shall not be applied retroactively to any use established or structure erected before April 1, 2012, provided that the use is in continuous operation and, if listed as a prohibited structure above, the structure is not expanded.

(2) Within the AO-R District, the following uses and structures may be allowed by Conditional Use Permit only: vehicle parking, outdoor public recreation that does not require grandstands or bleachers, cemetery.

(3) Prior to issuing or authorizing a zoning permit or building permit, the Zoning Administrator may require any technical information deemed necessary to make a determination regarding compliance with the requirements of AO-R District.

(4) Where land is located within more than one of the different AO zones, the most restrictive land use allowances apply. All allowable uses and structures within the AO-R District shall comply with all other applicable standards of the underlying Standard Zoning District and any other applicable Overlay District requirements with regard to use, lot dimensions, intensity of use and structures, setbacks, height and all other dimensional and other requirements.

ARTICLE 6: BUILDING AND SITE DESIGN STANDARDS

Section 10-1-0600: Purpose

The purpose of this article is to establish regulations that address the exterior design and appearance of structures and the relationship of structures to other structures, paved areas, landscaping areas, and other required site design elements on the same building site or adjoining building sites.

Section 10-1-0601: Single Family and Two Family Housing Variety Standards

(a) **General.** Within the Village, no two Single-Family Detached dwellings or Two-Family (Duplex) dwellings of similar front elevation or facade shall be repeated on any abutting lots or within 5 lots on either side of the street on which the dwellings front, including lots which are directly across the street from one another. Front elevations or facades shall be deemed to be similar when there is no substantial difference in roof lines; and no substantial change in windows of either size, location or type; and either no change in the color of materials used or no substantial change in the kind of materials, except where such buildings are part of a unified development and similar building designs are approved by the Village.

(b) **Roof Lines.** The following differences in the roof lines of Single-Family Detached dwellings or Two-Family dwellings as seen from the front of the dwelling shall be deemed sufficient to render buildings containing such changes and built on adjacent lots to be considered dissimilar:

(1) Changing gable roofs to hip roofs.

(2) Providing an intersecting gable roof on the main gable roof, if the height of the intersecting roof is at least 50 percent of the height of the main roof.

(3) Providing an intersecting hip roof on the main hip roof, if the height of the intersecting hip roof is at least 50 percent of the height of the main roof.

(4) Providing a shed roof when used as a front porch roof for a minimum of 50 percent of the entire width of the house, excluding area of the garage.

(5) If the front soffit is increased significantly and is combined with columns at least 6 inches in width or other architectural features of a similar magnitude which reach the roof line of the highest story.

(6) Rotating gable roofs 90 degrees on the building.

(7) On a tri-level residence or other building type that has 3 independent major roof areas, the changing of 2 out of 3 roof lines.

(c) **Windows.** The following differences in the size, location or type of windows shall be deemed sufficient to render buildings containing such changes and built on adjacent lots to be dissimilar:

(1) Changing from single windows to a multiple window arrangement.

(2) Changing from multiple window arrangement to single windows.

(3) Changing the type of windows (e.g., a casement to double hung).

(4) Providing a bay or bow window variation in the area of the predominant window.

(5) Where, because of its size, location or design, one window is the predominant window on the front elevation or facade, if the size, location or type of that window is changed to render the dwelling dissimilar, then no other window need be changed.

(d) **Construction Material or Color.** The following differences in construction material between adjacent Single-Family dwellings or Two-Family dwellings as seen from the front of the dwellings shall be deemed sufficient to render buildings containing such changes and built on adjacent lots to be dissimilar.

(1) Changes of at least 25 percent in the exposure of horizontal siding.

(2) Brick facing.

(3) Stone facing.

(4) Stucco to board and trim.

(5) When materials are changed, the change must occur throughout the front facade or elevation for a minimum of one story in height.

(6) Color change shall be made by significant changes in adjacent colors. The change must be one of color rather than merely of the shade.

(e) **Alternative Approach Allowed.** In the event the Village Board approves and the developer of a subdivision records and maintains private restrictions over a residential subdivision that, in the opinion of the Village Board, sufficiently meet the intent of reducing monotony within the Single-Family and/or Two-Family residential areas in the subdivision, the Village Board may waive or modify the requirements of this Section.

Section 10-1-0602: Design Standards for Multi-Family and Non-Residential Principal Buildings

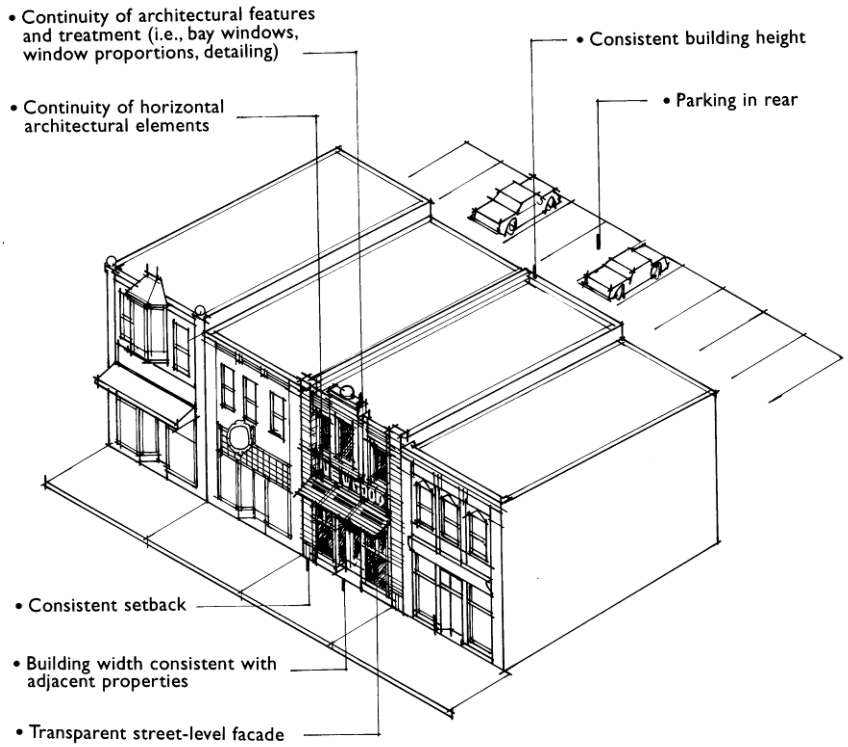
(a) **Applicability.** All new multiple-family (3+ unit) residential principal buildings and non-residential principal buildings shall meet the design requirements in this Section. Expansions, remodels, and changes of use to existing buildings of these types shall meet the design requirements in this Section to the extent practical. Agricultural land uses and structures are exempt from these requirements.

(b) **Building Size and Mass.** The size and mass of buildings and structures in relation to open spaces, windows, door openings, porches, and balconies shall be designed with consideration of the buildings, public ways, and places to which they are visually related. The relative proportion of a building to its neighboring existing buildings, to pedestrians or observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.

Figure 10-1-0602(a): Example of Building Size and Mass Continuity

(c) **Building Facade Continuity.** Building facades and appurtenances such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosures along a street to ensure a favorable relationship with the buildings, public ways, and places to which such elements are visually related.

Figure 10-1-0602(b): Example of Building Façade Continuity



(d) **Building Height and Roofs.** The height of the proposed buildings and structures shall establish or maintain a favorable relationship with adjacent buildings and not exceed zoning district height requirements (per Article 4).

(e) **Building Design Proportions.** The following shall be used as guidelines for evaluating building design proportions:

(1) The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.

(2) The relationship of the width to height of windows shall be visually compatible with buildings, public ways, and places to which the building is visually related.

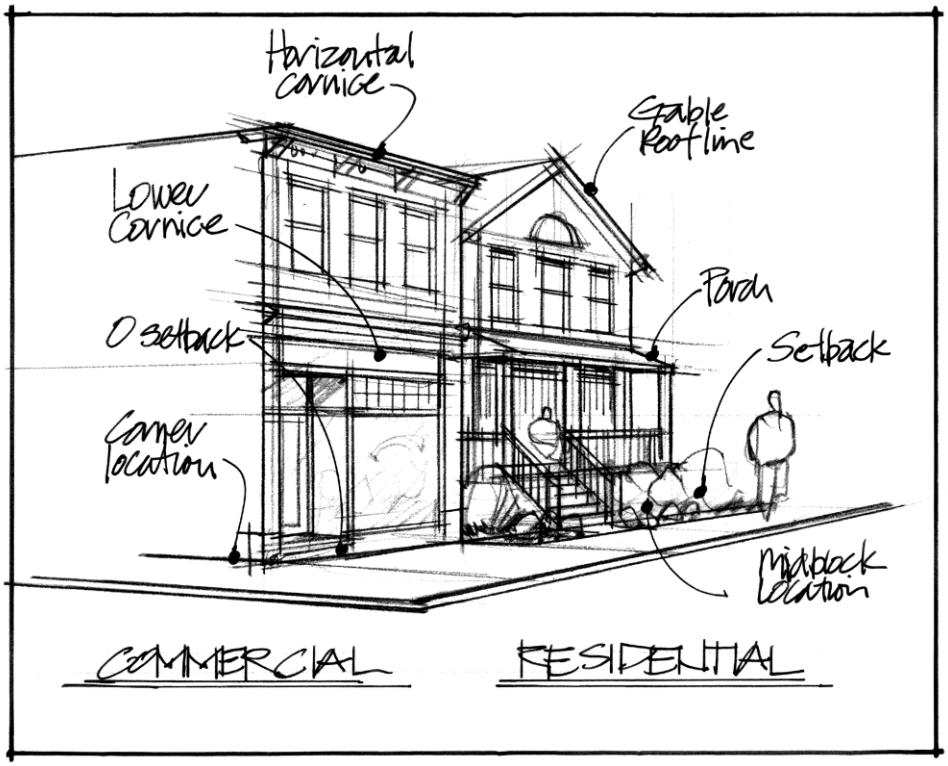
(3) The relationship of solids to voids in the front façade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related.

(4) The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with the buildings, public ways, and places to which it is visually related.

(5) The relationship of entrances and other projections to sidewalks shall be visually compatible with the buildings, public ways, and places to which it is visually related.

(f) **Directional Expression.** A building shall be visually compatible with the buildings, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or non-directional character.

Figure 10-1-0602(c): Example of Compatible Directional Expression



(g) **Materials.** Material selection for architectural design shall relate to the prevailing material already used on existing buildings in the area, or a different character if identified in the Village's Comprehensive Plan. No building shall be permitted where any exposed façade is constructed or faced with a finished material that is aesthetically incompatible with other building facades in the area or which presents an unfinished appearance to the public and surrounding properties. Building elevations clad with a singular exterior surface material shall provide some additional architectural design element(s) to break up the plane of the wall. This may be done by the addition of window(s), gable-end wall treatments, siding design and accent panels, or other architectural design treatments consistent with the principal building design. The following exterior construction materials shall generally not be considered of suitably high quality for street side facades and other high visibility areas: non-decorative concrete block or cinder block, non-decorative concrete foundation walls or panels, non-decorative plywood, asphaltic siding, or other materials using exposed fastener systems or non-decorative surfaces as determined by the Plan Commission or Joint Committee. However, such materials may be allowed by the Plan Commission or Joint Committee as decorative elements; or, may allow metal panels with exposed exterior fasteners of the same color in the M-G General Manufacturing District, the M-L Limited Manufacturing District, B-R Rural Business District, or less visible areas of structures in the B-H Highway Business District.

(h) **Colors.** Color shall be selected in general harmony with the existing area or neighborhood buildings, without creating a monotonous street appearance.

(i) **Story Distinctions.** The first story of the building shall be distinguished from the second story by means of a horizontal lintel, second floor overhand or setback, or other detailing.

(j) **Corner Lot Buildings.** Buildings on corner lots shall continue the major front elevation design elements around the corner elevation.

(k) **Vents and Mechanical Units.** All chimney and fireplace vents shall be enclosed in a chase constructed of materials similar to those materials used on the building elevations; metal housings designed by the vent manufacturer to enclose the chimney vents are acceptable. All building-mounted heating, ventilating, and air-conditioning equipment or changes to existing heating, ventilating, and/or air-conditioning equipment shall be designed to be integral with the building architecture and screened from view from public rights-of-way.

(l) **Garages and Loading Docks.** Garages and loading docks shall be designed as integral elements to the building and site, and shall not be the dominant visual element from public rights-of-way unless pre-existing site or building conditions would not allow this. All loading docks shall be screened from public view to the extent practical.

(m) **Outdoor Waste/Recycling Containers.** All solid waste/recycling containers (dumpsters) stored outdoors shall not be allowed in required front or exterior side yards and shall be placed to the side or rear of principal structures whenever possible. All outdoor solid waste/recycling containers shall be placed on a permanent paved surface and fully screened from off-site and from on-site parking and pedestrian circulation areas by a decorative fence not exceeding 6 feet in height. Outdoor waste/recycling containers and fence enclosures shall be subject to the accessory structure setback and bufferyard requirements in Article 4 of this Chapter. The Plan Commission or Joint Committee may waive the screening requirement for outdoor solid waste/recycling containers within larger and fully screened outdoor storage areas meet or exceed the above screening criteria.

(n) **Design Standards in the Comprehensive Plan.** The Plan Commission or Joint Committee shall refer to the Comprehensive Plan and the "Design Guidelines for the Downtown Prairie du Sac, Wisconsin" for building design recommendations for specific neighborhoods, building types, or districts, such as the DO Downtown Design Overlay district.

(o) **Waiver of Standards.** The Plan Commission or Joint Committee may waive or modify any of the above standards if supplemental design elements or improvements are incorporated into the project to compensate for the waiver or modification of the particular standard.

Section 10-1-0603: Additional Design Standards within the O-R Office and Research District and I-1 Institutional District

In addition to the standards elsewhere in this Chapter, all buildings, uses, and sites hereinafter established or enlarged in the O-R and I-1 Districts shall conform to the following standards:

(a) All business, servicing or processing, except off-street parking and off-street loading, outside storage areas as provided below, and drive-up service windows, shall be conducted within completely enclosed buildings. All storage, except for licensed motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with screening not less than 6 feet or more than 8 feet in height, and no materials or equipment stored shall exceed the height of such screening. All outside storage areas shall be located to the rear of buildings and shall be limited to not more than 5 percent of the total lot area.

(b) The exterior appearance of any building constructed within these districts shall be compatible with that of adjoining structures especially as it relates to rooflines and building materials. Except for permanently protected natural resource areas (woodlots, marshes and other lands maintained in a natural state) all land areas not covered by buildings, structures, storage areas, parking lots, loading areas, and driveways, shall

be landscaped. Landscaping shall mean decorative plazas, mounds, pools or the planting of grass, shrubs, trees and other plant materials or other comparable surface cover.

(c) Accessory off-street parking lots and loading berths, and access driveways shall be located, designed, and improved, so as to provide for safe and convenient access from adjoining streets, as well as safe and convenient circulation within the site. Access driveways and parking lots shall be separated from principal pedestrian walkways and recreational areas by pavement markings, curbs, planting areas, fences or other appropriate materials to ensure pedestrian safety. Off-street parking lots shall not be located on the street side of the minimum required front yards or street side yards setback.. The area between any front or street side yard parking lot and the adjacent public street shall be extensively bermed and/or landscaped. Any parking lot located in a required side or rear yard shall be located not less than 20 feet from any lot in a residential zoning district. Access driveways shall be designed and located so that such driveways do not provide a direct un-landscaped view from the street to any loading berths or storage areas.

(d) Within 150 feet of a residential zoning district, the parking of trucks as an accessory use, when used in the conduct of an allowed use in the associated district, shall be limited to vehicles of not over 1.5 tons capacity.

Section 10-1-0604: Group Development Building and Site Standards

Group Developments, as defined in Section 10-1-0302(o), shall meet all of the applicable design standards for group developments in that Subsection; standards for Multi-Family and non-residential buildings in Section 10-1-0602, and all other applicable requirements for the zoning district and this Chapter. Group Developments meeting the criteria for Large Retail and Commercial Service Developments are subject to the requirements of Section 10-1-0605.

Section 10-1-0605: Large Retail and Commercial Service Development Standards

In addition to applicable zoning district and other standards of this Chapter, Large Retail and Commercial Service Developments as defined in Section 10-1-0302(p) shall meet all of the procedural, building design, and site design standards of this Section.

(a) **Compatibility with Village Plans**. A compatibility report is required when a retail and commercial service development reaches a defined threshold as outlined in Figure 10-1-0605(a). The applicant shall provide, through a written compatibility report submitted with the petition for a Conditional Use Permit or rezoning application for the PUD districts, adequate evidence that the proposed building and overall development project will be compatible with the Village's Comprehensive Plan, any detailed neighborhood plan for the area, and any other plans officially adopted by the Village.

(b) **Large Retail and Commercial Service Development Questionnaire**. A Large Retail and Commercial Service Development questionnaire shall be completed when a development reaches a defined threshold established in Figure 10-1-0605(a). The Large Retail and Commercial Service Development questionnaire shall be in the format included as Figure 10-1-0605(b) at the end of this Section.

(c) **Traffic Impact Analysis**. A traffic impact analysis is required when a Large Retail and Commercial Service Development reaches a defined threshold as outlined in Figure 10-1-0605(a). The traffic impact analysis shall be completed in accordance with the most current revision of the Traffic Impact Analysis Guidelines published by the State of Wisconsin DOT, except as otherwise approved by the Village Engineer. Where the Traffic Impact Analysis indicates that a project may cause off-site public roads, intersections, or interchanges to function below level of service (LOS) C, then the Village may deny the application, may require a size reduction in the proposed development, and/or may require the developer to construct and/or pay for required off-site improvements to achieve LOS C for a planning horizon of a minimum of ten years assuming full build-out of the development. All projects shall have direct access to an arterial street, or to a collector level street; vehicle access shall be designed to accommodate peak on-

site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; traffic control devices; and sidewalks. The site design shall provide direct connections to adjacent land uses if required by the Village.

(d) **Economic and Fiscal Impact Analysis**. An economic and fiscal impact analysis is required when a Large Retail and Commercial Service Development reaches a defined threshold as outlined in Figure 10-1-0605(a). The economic and fiscal impact analysis shall include all of the items identified in 10-1-0605(c) of this Section. In addition, the economic and fiscal impact analysis shall include the following:

(1) Identify and assess the economic and fiscal impacts on the community;

(2) Propose measures to mitigate adverse impacts and/or maximize positive impacts including provision of infrastructure or public services improvements sufficient to support the project. Any adverse impacts that cannot be mitigated shall be identified. Mitigation measures to be implemented by the applicant shall be identified.

(3) The applicant shall provide the necessary funding to the Village to hire a consultant of the Village's choice, with appropriate experience to complete and present an economic and fiscal impact analysis to the Village.

(e) **Detailed Neighborhood Plan**. For Large Retail and Commercial Service Developments with a combined retail and/or commercial area of 80,000 square feet or more, the development shall be required to prepare a detailed neighborhood plan for any undeveloped areas up to 1,500 foot radius from the boundaries of the development site. The detailed neighborhood plan must be submitted prior to or with the application for Conditional Use Permit. The Village Plan Commission or Joint Committee, and/or Board may waive this requirement if a detailed neighborhood plan has already been adopted, or the Village may specify a smaller area based on its determination of appropriate neighborhood boundaries. The detailed neighborhood plan shall be of sufficient detail to establish the mix of land uses and their relationship to the Large Retail and Commercial Service Development with regard to provision of street, bicycle/pedestrian, and bus transit connectivity, utilities, stormwater management, and community character, and a general layout that support the objectives of the Comprehensive Plan. The detailed neighborhood plan shall contain the following specific elements at a scale of not less than one inch equals 400 feet:

(1) General types of land use types with specific zoning districts and/or land uses;

(2) Transitional treatments such as berms and/or landscaping between areas with differing land uses or character;

(3) Complete public road network;

(4) Pedestrian and bicycle network;

(5) Transit routes and stops, where applicable;

(6) Conceptual stormwater management network;

(7) Public facility sites including parks, schools, conservation areas, public safety facilities and public utility facilities;

(8) Recommendations for community character themes including building materials, landscaping, streetscaping and signage.

(f) **Facilities and Associated Features**. The following requirements are applicable when a Large Retail and Commercial Service Development reaches the defined threshold outlined in Figure 10-0605(a):

(1) Building Location**.** Where buildings are proposed to be distant from a public street, as determined by the Plan Commission, the overall development design shall include smaller buildings on pads or secondary lots closer to the street. Placement and orientation must facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads, and neighboring commercial areas and neighborhoods, and must forward community character objectives as described in the Comprehensive Plan.

(2) Building Materials**.** Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, tinted and decorative concrete block, wood, stucco, and exterior insulation and finish systems (EIFS) shall be used, as determined appropriate by the Plan Commission. Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building.

(3) Building Design**.** The building exterior shall complement other buildings in the vicinity, and shall be of a design determined appropriate by the Plan Commission, including the following:

a. The building shall employ varying setbacks, heights, roof treatments, doorways, window openings, and other structural or decorative elements to reduce apparent size and scale of the building.

b. A minimum of 20 percent of the structure's facades that are visible from a public street shall employ actual protrusions or recesses with a depth of at least six feet. No uninterrupted facade shall extend more than 100 feet.

c. A minimum of 20 percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six feet or more as measured eave to eave or parapet to parapet.

d. Roofs with particular slopes may be required to complement existing buildings or otherwise establish a particular aesthetic objective.

e. Ground floor facades that face public streets shall have arcades (a series of outdoor spaces located under a roof or overhang and supported by columns or arches), display windows, entry areas, awnings, or other such features along no less than 50 percent of their horizontal length. The integration of windows into building design is required, and shall be transparent, clear glass (not tinted) or spandrel glass between three to eight feet above the walkway along any facades facing a public street. The use of blinds shall be acceptable where there is a desire for opacity.

f. Building facades shall include a repeating pattern that includes no less than three of the following elements: (i) color change, (ii) texture change, (iii) material modular change, (iv) expression of architectural or structural bay through a change in plane no less than 24 inches in width, such as an offset, reveal or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.

(4) Building Entrances. Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns. Two or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details. When additional stores located in the principal building exceed 30 percent of the Gross Floor Area, separate entrances may be considered for each such store that shall conform to the above requirements.

(5) Building Color. Building facade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, fluorescent colors or black on facades shall be prohibited. Building trim and architectural accent elements may feature bright colors or black, but such colors

shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on signage.

(6) Screening.

a. All ground-mounted and wall-mounted mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior.

b. All rooftop mechanical equipment shall be screened by parapets, upper stories, or other areas of exterior walls or roofs so as to not be visible from public streets adjacent or within 1,000 feet of the subject property. Fences or similar rooftop screening devices may not be used to meet this requirement.

c. Loading docks shall be completely screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls, which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above.

d. Gates and fencing may be used for security and access, but not for screening, and they shall be of high aesthetic quality. Decorative metal picket fencing and screening is acceptable. Chain link, wire mesh or wood fencing is unacceptable. Decorative, heavy-duty wood gates may be used.

(7) Parking.

a. Parking lots in which the number of spaces significantly exceeds the minimum number of parking spaces required for the specific use or uses in Article 3 shall be allowed only with specific and reasonable justification.

b. Parking lots shall be designed to create distinct parking areas of not more than 120 parking stall through use of landscaped and curbed medians, a minimum of ten feet in width from back-of-curb to back-of-curb. Landscaped islands shall be a minimum of 360 square feet in landscaped area; and landscaped islands shall be spaced at intervals no greater than one island per every 20 spaces in that aisle.

(8) Bicycle and Pedestrian Facilities.

a. The entire development shall provide for safe pedestrian and bicycle access to all uses within the development, connections to existing and planned public pedestrian and bicycle facilities, and connections to adjacent properties.

b. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or pedestrian/bike facilities. The minimum width for sidewalks adjacent to buildings shall be ten feet; and the minimum width for sidewalks elsewhere in the development shall be five feet.

c. Sidewalks other than street sidewalks or building aprons shall have adjoining landscaping along at least 50 percent of their length.

d. Crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety by using different pavement materials, or pavement color, or pavement textures, and signage.

e. The development shall provide secure, integrated bicycle parking at a rate of one bicycle rack space for every 50 vehicle parking spaces.

f. The development shall provide exterior pedestrian furniture in appropriate locations at a minimum rate of one seat for every 20,000 square feet of Gross Floor Area.

g. The development shall provide interior pedestrian furniture in appropriate locations at a minimum rate of one bench seat for every 10,000 square feet of Gross Floor Area. Seating in food service areas, or other areas where food or merchandise purchasing activities occur shall not count toward this requirement. A minimum of four seats shall be located within the store, with a clear view through exit doors to a passenger pick-up or drop-off area.

(9) Central Areas and Features**.** Each development exceeding 80,000 square feet in total Gross Floor Area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and shall be maintained over the life of the building project.

(10) Cart Returns. A minimum of one 200-square foot cart return area shall be provided for every 100 parking spaces. Cart corrals shall be of durable, non-rusting, all season construction, and shall be designed and colored to be compatible with the building and parking lot light standards. There shall be no exterior cart return or cart storage areas located within 25 feet of the building.

(11) Outdoor Display Areas. Exterior display areas shall be permitted only where clearly depicted on the approved site plan. All exterior display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of ten feet. Display areas on building aprons must maintain a minimum walkway width of ten feet between the display items and any vehicle drives.

(12) Outdoor Storage Uses and Areas. Exterior storage structures or uses, including the parking or storage of service vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, fork lifts, trash, recyclables, and all other items shall be permitted only where clearly depicted and labeled on the approved site plan, such outdoor storage uses and areas shall be appropriately screened as required by Section 10-1-0807 and as required for individual uses per Section 10-1-0310.

(13) Landscaping. On-site landscaping shall be provided at time of building occupancy and maintained per the requirements of Article 7.

(14) Lighting. On-site exterior lighting shall meet all the standards of Section 10-1-0811. In addition, the color and design of pole lighting standards shall be compatible with the building and the public lighting in the area, and shall be uniform throughout the entire development site.

(15) Signage. In addition to meeting the applicable requirements of Article 9, a signage plan for all exterior signage shall be provide for coordinated and complimentary exterior sign locations, configurations, and colors throughout the development, including secondary lots within the development. Combined signs for multiple users may be required instead of multiple individual signs. The Village may require the use of muted corporate colors on signage if proposed colors are not compatible with the Village's design objectives for the area. The use of logos, slogans, symbols, patterns, striping and other markings, and colors associated with a franchise or chain shall be considered as contributing to the number and area of permitted signs.

(16) Natural Resources Protection. Natural Resources shall be protected in accordance with Article 5 and Article 7 of this Chapter. In general, existing natural features shall be integrated into the site design as a site and community amenity. Each project shall meet the erosion control and stormwater management standards found in Article 8 and other applicable Village ordinances. Post-development stormwater runoff rates shall not exceed pre-settlement rates. Maintenance of any storm water detention or conveyance features are solely borne by the developer/owner unless dedicated and accepted by the Village.

(17) Additional Requirements. All large scale retail and commercial buildings and developments in excess of 20,000 square feet are subject to the following additional requirements:

a. Policy on vacation of existing sites. Where such a building is proposed as a replacement location for a business already located within the Village, the Village shall prohibit any privately imposed limits on the type or reuse of the previously occupied building through conditions of sale or lease.

b. Developer's Agreement. The developer shall enter into a development agreement with the Village, which shall include the payment of all utilities including but not limited to storm water, sanitary sewer, and street infrastructure. Off-site improvements may also be required as part of the development agreement.

c. Absolute building area cap. No individual building shall exceed a total of 150,000 square feet in Gross Floor Area.

d. Secondary lots. All buildings on secondary lots within the development shall be of architectural quality comparable to the primary structure as determined by the Plan Commission.

(18) Exceptions. In the event the applicant desires a deviation or exception from the requirements of this Section, the applicant shall present justification for such deviation or exception, which may be approved or denied by the Village Board.

Figure 10-1-0605(a): Large Retail and Commercial Service Development Requirements

Requirement	Large Scale Retail and Commercial Development Threshold (Gross Floor Area)
Complete compatibility report (fits Comprehensive Plan and/or other community plans	>20,000 sq. ft
Complete questionnaire	>20,000 sq. ft.
Provide facilities and associated features (materials, landscape, etc.)	>20,000 sq. ft.
3rd party Traffic Impact Analysis is required	>20,000 sq. ft. with > 50 parking stalls
3rd party economic impact study is required	>80,000 sq. ft.
In absence of detailed neighborhood plan a development is required to provide one	>80,000 sq. ft.

Figure 10-1-0605(b): Large Retail and Commercial Service Development Questionnaire

Person filling out this form	
Address	
Phone Number	
Date	
I. Project Contacts	
Property Owner	
Property Owner Representative	
Developer	
Developer Representative	
Prime Contractor Representative	
Civil Engineering Representative	
Architectural Representative	
Land Planner Representative	
Landscape Architect Representative	
Exterior Lighting Representative	

II. Existing Site Conditions		
A. Total Site Area (inclusive of all areas within development boundary):	_____acres	_____sq. ft.
B. Environmental Corridor Components:	_____acres	_____sq. ft.
Surface Water	_____acres	_____sq. ft.
Wetlands (including 50 foot buffer)	_____acres	_____sq. ft.
100-Year Floodplain	_____acres	_____sq. ft.
Steep Slopes (equal to or greater than 12%)	_____acres	_____sq. ft.

III. Adopted Plans and Policies. Describe how the proposed development is compatible with the following:	
A. Sauk Prairie Comprehensive Plan:	
Future Land Use Map	
Transportation Plan Map	
Community Facilities Plan Map	
Goals, Policies and Objectives	
Agricultural and Natural Resources	
Economic Development	
Other Provisions of Comp. Plan	
B. Village Park and Open Space Plan	
C. Intergovernmental Agreements, inc. Sauk Prairie Intergovernmental Cooperation Agreement	
D. Sauk County Comprehensive Plan	
E. Sauk County Park and Open Space Plan	
F. Applicable State of Wisconsin DOT Plans and Policies	
G. Applicable State of Wisconsin DNR Plans and Policies	
H. Other Pertinent Plans and Policies as Indicated by Village	

IV. Proposed Development			
A. General Description of Proposed Development and Land Use Mix			
B. Modifications to Existing Site Conditions:			
TOTAL SITE	Acres Converted	Acres Not Converted	Total
Surface Water Areas			
Wetland Areas			
Floodplain Areas			
Steep Slopes (12% or more)			
Woodland Areas			
Total Environmental Corridor			
Crop & Livestock Operation Areas			
Other Open Space Areas			
Total Existing Development:			
Existing Building Areas			
Existing Paved Areas			
Existing Lawn & Landscaped Areas			
C. General Development Details:			
Total Site Area:		_____square feet	_____acres
Area of Building Footprint:		_____square feet	_____acres
Area of Paving:		_____square feet	_____acres
Area of Pervious Paving		_____square feet	_____acres
Area of Lawn & Landscaping		_____square feet	_____acres
Area of Stormwater Management:		_____square feet	_____acres
Area of Impervious Surface		_____ square feet	_____ acres
Area of Semi-Pervious Surface		_____ square feet	_____ acres
Area of Pervious Surface		_____ square feet	_____ acres
Total Floor Area:		_____square feet	
First Floor Area:		_____square feet	
Second Floor Area:		_____square feet	
3+ Floor Areas:		_____square feet	
Useable Basement Area:		_____square feet	

Figure 10-1-0605(c): Economic and Fiscal Impact Analysis Requirements

1.	For the project, estimate the following:
	a. Types of jobs created.
	b. Number of full-time (40 hrs/wk) and part time (less than 40 hrs/wk) jobs created.
	c. The impact of the project on the overall local job market at year one and year five.
2.	Estimate the amount of local labor to be used in the construction of the project and in permanent employment. Local is defined as Village, extraterritorial jurisdiction, or county residents or businesses.
3.	Include an analysis indicating the market proposed for the project and the area from which patrons will be attracted.
4.	Evaluate the impact of the proposed project on commercial and/or retail vacancy rates in the proposed market area.
5.	Estimate to what extent the proposed project would reduce the proposed market area's economic base by eliminating existing businesses.
6.	Compare and evaluate the projected costs and benefits to the community resulting from the project including:
	a. Projected costs arising from increased demand for and required improvements to public services and infrastructure.
	b. Value of improvements to public services and infrastructure to be provided by the project.
	c. Projected property tax revenues to be generated by the project in the first five years.
	d. Projected impact of the project in the first five years on land values (both residential and commercial) and potential loss or increase in property tax revenues.
7.	Projected lifespan of building(s).

ARTICLE 7: LANDSCAPING AND PRESERVATION STANDARDS

Section 10-1-0700: Purpose

The purpose of this Article is to establish landscaping requirements and other regulations intended to preserve and maintain vegetation within in a manner that promotes the natural resource protection, aesthetic, and public health goals of the Comprehensive Plan.

Section 10-1-0701: Landscaping Requirements

(a) **Applicability**. Any use for which site plan approval is required under Section 10-1-1307 shall provide landscaping in accordance with the regulations of this Section, including expansions and/or renovation of existing buildings. Except for screening requirements specifically required by Article 3, agricultural land uses and structures are exempt from these requirements. The Plan Commission may grant, via the site plan approval process, modifications to the regulations in this Section for other uses in one or more of the following circumstances:

(1) Where insufficient site area remains to fully comply with all provisions of this Section, in cases of a redevelopment project or an expansion of an existing building, parking lot, or other site improvements.

(2) Where other aspects of building or site design clearly exceed the associated requirements of this Chapter, including where public art, gathering places, or other aesthetic amenities are incorporated.

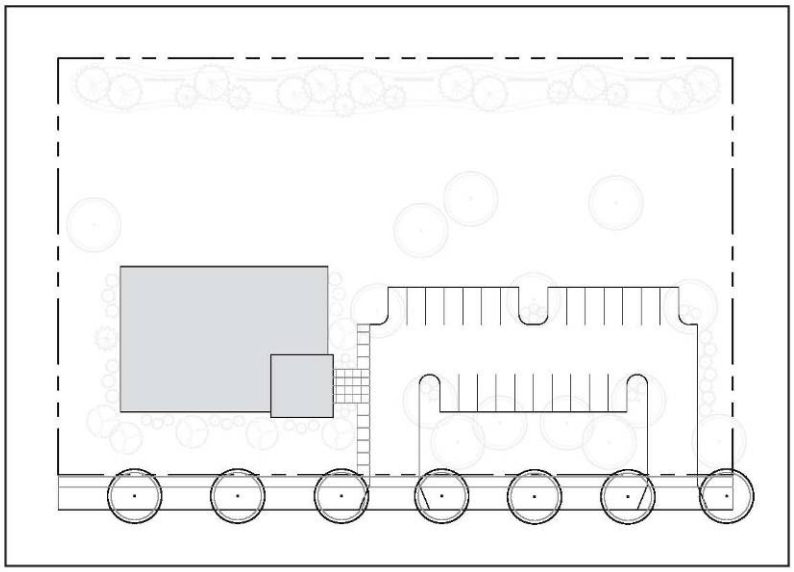
(3) Where, due to unique circumstances associated with the site or project, the strict application of the regulation would result in landscaping that would be overcrowded, impair the prospects of landscape survival, and/or negatively affect the safety or functionality of the site or project.

(b) **Required Landscape Plan**. All proposed landscape plantings to be located on the subject property shall be depicted on a landscape plan as to their location, type, and size at time of planting and maturity.

(c) **Landscape Planting Requirements**. Landscaping, "living plants," shall be provided based on the following requirements for street frontages, paved areas, building foundations, buffer yards, and general yard areas. These requirements are additive to each other and any other landscaping or screening requirements in this Chapter. By approval of the Plan Commission or Joint Committee, required landscaping points may be shifted between areas (e.g., paved areas to building foundations), or may be reduced if compensating landscape treatments for which points are not credited are provided. Credit for existing landscape plantings that are retained and protected with the development of the site, and for restoration or reestablishment of native flora, shall be allowed. The point system is described in greater detail in subsection (d), below.

(1) Street Frontages. One large deciduous tree shall be planted for each 50 feet of property line along a public street right-of-way and private streets. Said trees shall be planted in the public terrace equidistant from the curb and the normal sidewalk line or on the private site within 10 feet of the property line adjoining the public right-of-way. Tree or shrub planting in any public right-of-way or on any public land in the Village shall be governed by Title 4, Chapter 4 of the Code.

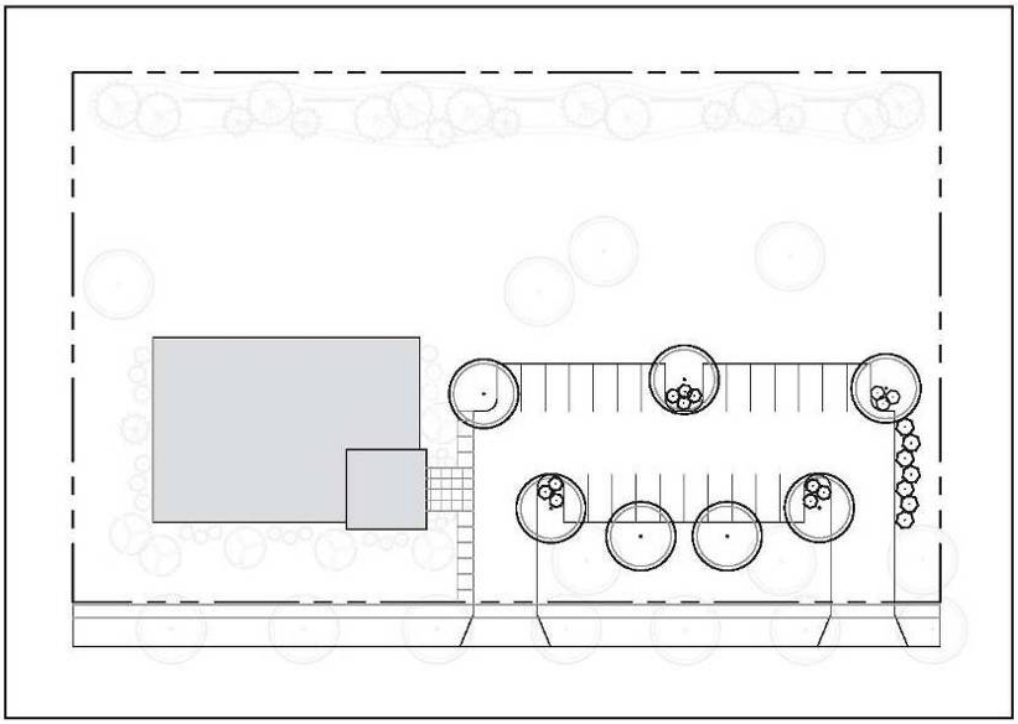
Figure 10-1-0701(a): Street Frontage Example
(Not Intended to Represent Minimum Requirements)



(2) Paved Areas. Within the B-R, M-L, M-G, and AIR zoning districts, 100 points of landscaping shall be planted for each 2,500 square feet of hard and gravel surfaced area, except for any airport runway or taxiway area. Within all other zoning districts, 100 points of landscaping shall be planted for each 1,500 square feet of hard and gravel surfaced area. Hard and gravel surfaced areas do not include rooftops, but do include other such areas within the ground plane including but not limited to parking stalls, driveways, trash enclosure pads, loading docks, sidewalks, plazas and patios. Plants required in this subsection shall be installed within landscaped islands within the hard surfaced area or within 15 feet of its edges, and shall include large deciduous trees unless otherwise approved by the Plan Commission or Joint Committee.

Figure 10-1-0701(b): Paved Area Landscaping Example

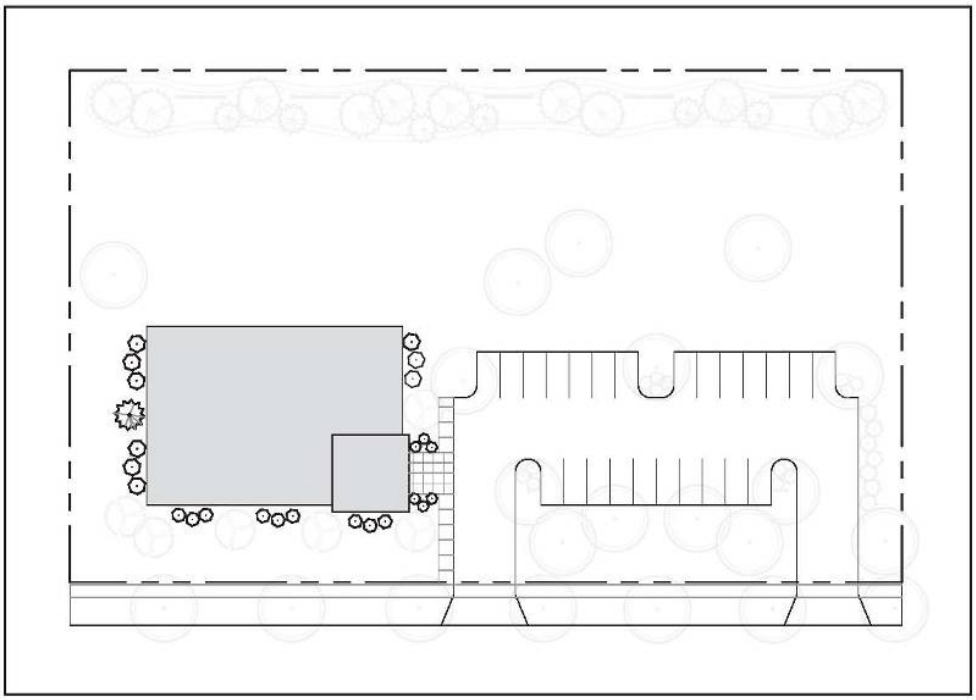
(Not Intended to Represent Minimum Requirements)



(3) Building Foundations. Within the B-R, M-L, M-G, and AIR zoning districts, 100 points of landscaping shall be planted for each 50 lineal feet of exterior building wall that is visible from a public right-of-way or residentially zoned property. Within all other zoning districts, 100 points of landscaping shall be planted for each 75 lineal feet of exterior building wall for buildings of 20,000 square feet or less and for each 100 lineal feet for larger buildings. Plants required by this Section must be installed within 20 feet of the building foundation, and shall not include large deciduous shade trees.

Figure 10-1-0702 (c): Building Foundation Landscaping Example

(Not Intended to Represent Minimum Requirements)



(4) Bufferyards.

A bufferyard and bufferyard vegetative screen shall be provided (a) along the boundary of any commercial, storage and disposal, transportation, manufacturing, and non-residential use when established or substantially expanded adjacent to any residentially zoned property; (b) around general storage areas per Section 10-1-0807(h); and (c) in other locations as may be required under this Chapter. Bufferyards and bufferyard landscaping shall comply with the following.

a. The plantings shall be designed to provide an all-season screen with opacity (measured as a percentage of the vertical plane along the bufferyard boundary from the ground to a height of 6 feet as viewed from the adjacent property) in accordance with individual land use regulations in Article 3 of this Chapter.

b. The standard minimum width of a buffer yard shall be 25 feet. No vehicle accommodation area other than a bike/pedestrian way, nor any outdoor storage area or structure shall be permitted in a required bufferyard. The minimum structural and pavement setbacks established elsewhere in this Chapter be increased to the extent necessary to meet the bufferyard screening requirements of subsection (a) above.

c. The Plan Commission or Joint Committee may require additional bufferyard width to the extent necessary to meet the opacity requirements in subsection (a) above, if site topography, proposed screening type, or other site requirements such as utility easements and stormwater management facilities warrant. The Plan Commission or Joint Committee may also authorize a reduction to the minimum width of the bufferyard to less than 25 feet if it determines that a lesser width is both adequate to fulfill the intent of this Section and necessary owing to exceptional site constraints beyond the control of the owner. The provision of necessary utility easements or stormwater management structures necessary to serve the site shall not be sufficient cause to reduce the bufferyard screening requirement.

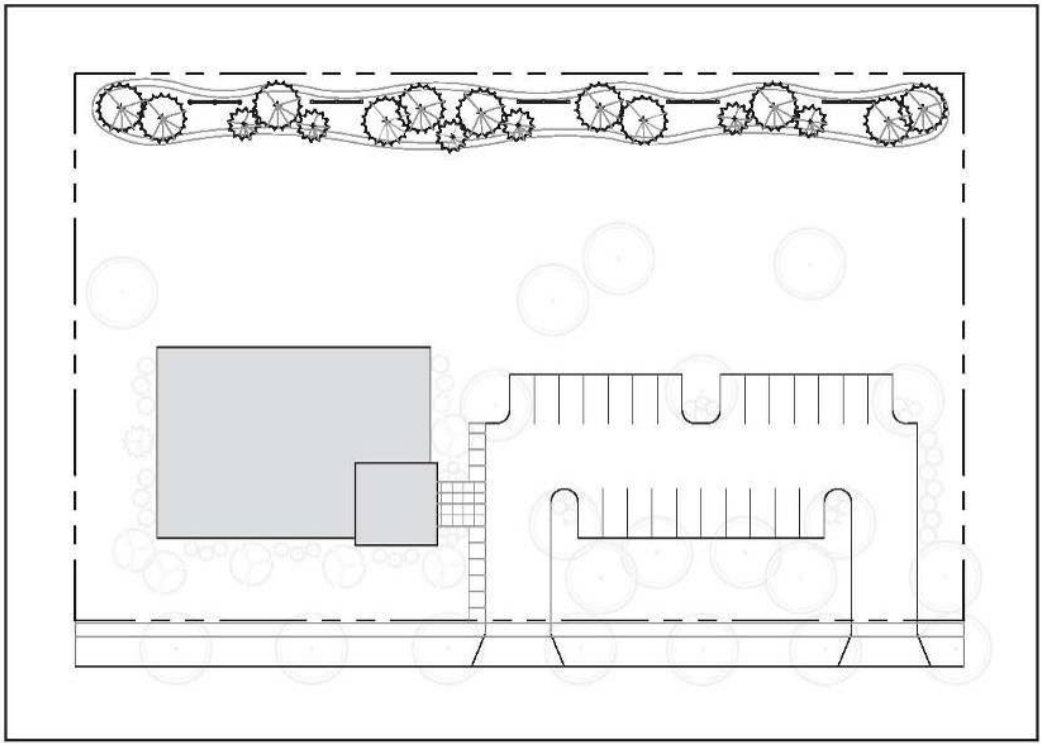
d. Bufferyard landscaping shall have a minimum height of three feet at time of planting.

e. The use of landscaped berms in lieu of or in addition to required the vegetative screen may be approved by the Plan Commission or Joint Committee, provided the slope of the slope of berm is less than one vertical foot for every four feet of berm width measured at the at the base and does not interfere with utilities or stormwater management.

f. The use of a decorative opaque fence or wall not exceeding six feet tall constructed of materials compatible with the building on the site and adjacent uses may be approved by the Plan Commission or Joint Committee in addition to or in lieu of bufferyard plantings. Unless the opaque fence or wall is four feet or less in height and/or of exceptional quality (i.e. stone, brick), at least 50 percent of tree and shrub plantings normally required to meet the bufferyard screening requirement in subsection (a) should be planted between a property line the screening fence or wall.

Figure 10-1-0702 (d): Bufferyard Landscaping Example

(Not Intended to Represent Minimum Requirements)



(5) General Yard Areas. Within the B-R, M-L, M-G, an AIR zoning districts, 100 points of landscaping shall be planted for each 4,000 square feet of total lot area, excluding those areas under a rooftop, hard or gravel surfaced area, required bufferyard, or being reserved for a future phase of development. Within all other zoning districts, 100 points of landscaping shall be planted for each 3,000 square feet of total lot area, excluding those areas under a rooftop, hard or gravel surfaced area, required bufferyard, or being reserved for a future phase of development. Landscaping required by this standard shall be placed where appropriate on the site, but generally in those areas not covered by other provisions of this Section.

Figure 10-1-0701(e): General Yard Landscaping Example

(Not Intended to Represent Minimum Requirements)

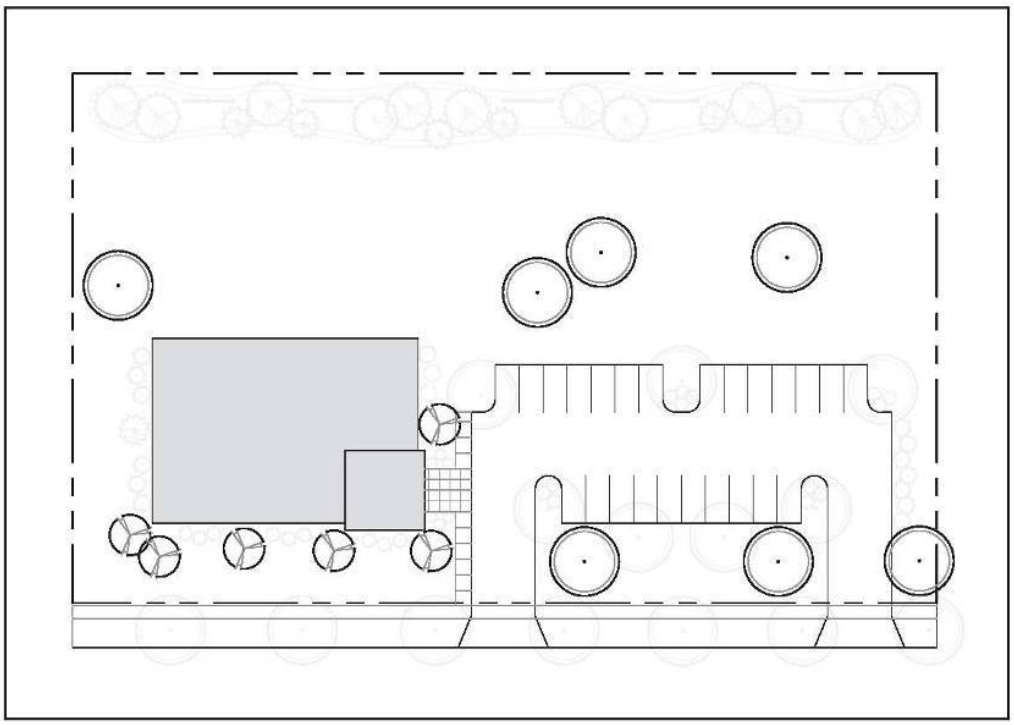
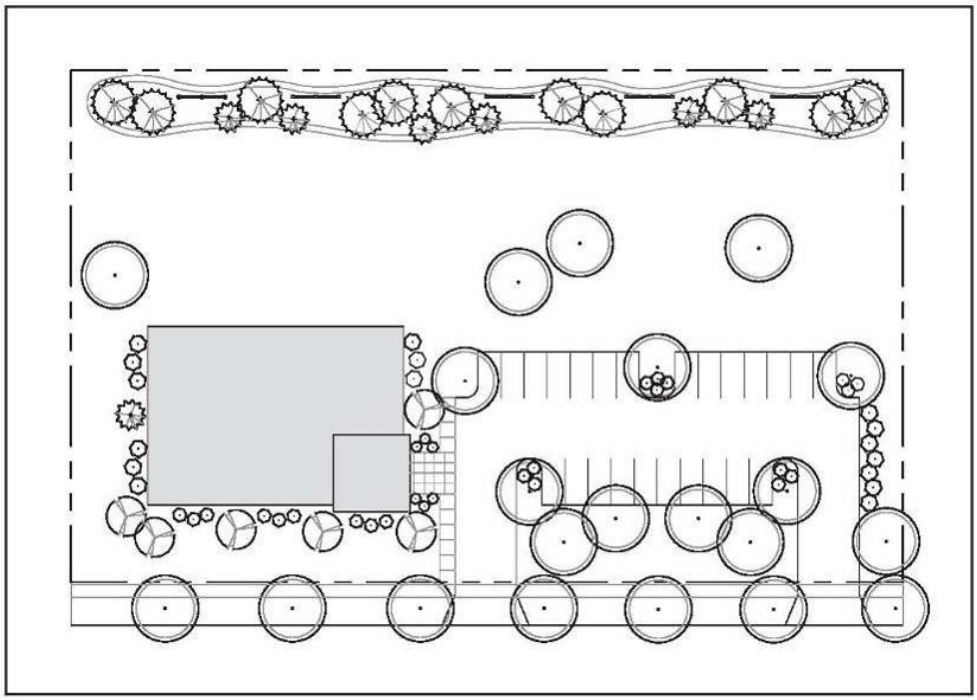


Figure 10-1-0701(f): Full Landscaping Example

(Illustrative--Not Intended to Represent Minimum Requirements)



(6) Other Green Space Areas. Green space areas not used for landscape plantings other than natural resource protection areas shall be graded and seeded or sodded with an acceptable maintainable seed mix, restored to native vegetation, or maintained in crop production if approved by the Plan Commission or Joint Committee. Mulch of plantings or planting beds is acceptable provided that such mulching consists of organic or natural materials. Mulches shall be installed so that they will not erode, fall, be plowed or otherwise transported into walks, drives, streets or other hard surfaced portions of the site.

(7) Natural Resource Protection Areas. Landscaping in required natural resource protection areas, including those related to floodplains, wetlands, shorelands, woodlands, and wellhead protection areas, shall be prohibited, except for restorative planting and maintenance necessary to maintain native plantings in their natural state.

(d) **Landscaping Points and Minimum Installation Sizes**. All landscaping requirements are expressed in landscape points. Each plant type is worth a certain number of landscape points that can be used to fulfill the landscape requirements of this Section. Point values are determined by size at maturity, growth rate, and other plant characteristics. Minimum permitted installation sizes for each plant category are provided to ensure that landscaping provides its aesthetic and screening functions at the time of installation and to improve the survival rate of the plants. The schedule of landscaping points and minimum permitted installation sizes shall be in accordance with the following:

Figure 10-1-0701(d) Landscaping Points, Minimum Installation Size, and Examples of Appropriate Species

Plant Category	Expected Mature Height	Minimum Permitted Installation Size	Landscape Points per Plant	Examples of Appropriate Species (see Notes)
Large Deciduous Tree (mature height 25+ feet)	Greater than 25 feet	2 inch diameter (1½ inch for street trees)	150	Oak, Maple (except Norway), Honeylocust(, Gingko (male), Hazelnut, Hackberry, Basswood or Linden, Disease resistant Elm, Kentucky Coffeetree
Small Deciduous Tree (mature height < 25 feet)	25 feet or less	1½ inch diameter or 4 feet tall	60	Birch, Serviceberry, Hawthorn, Eastern Redbud, Callery Pear, Flowering Crab, Ironwood, Japanese Tree Lilac, Hornbean
Evergreen Tree	Usually > 10 feet	4 feet tall	40	Pine (except Austrian), Spruce, Hemlock, Cedar
Shrub (Deciduous or Evergreen)	Usually less than 10 feet	2 feet in height or 2 gallon pot	20	Dogwood, Viburnum, Hedge Cotoneaster, Forsythia, Yew, Hazelnut, Hydrangea, Ninebark, Dwarf-Bush Honeysuckle, Potentilla, Rose, Gro-low Sumac, Lilac, Weigela, Arborvitae, Juniper
Annual/Perennial Bed	Varies	Varies	20 points per 20 square feet of bed	Black-eyed Susan, Catmint, Coneflower, Lily, Daylily, Hosta, Ornamental grasses, Lady's Mantle, Columbine, Aster, Astilbe, Indigo, Brunnera, Cimicifuga, Liatris, Peony, Pachysandra, Sedum
Bio-retention swales/rain gardens	Varies	Varies	20 points per 100 square feet of area, up to 500 total points	Must be deliberately planted with appropriate, non-turf species per industry standards, serving both functional and aesthetic purposes
Notes: Species listed are examples only. Other species such as non-invasive (not aggressive spreaders) and native plant species are also encouraged. Consider salt and snow tolerance when making plant selections. The Plan Commission or Joint Committee may also elect to award points for native plant restoration, such as prairie.				

(e) **Installation**. All landscaping shall be installed consistent with industry accepted standards, and shall be guaranteed by the applicant or the applicant's contractor for 2 years. Installation shall occur prior to occupancy or commencement of operations, unless doing so would result in unsatisfactory plant survival. In this case, landscaping shall be installed within 6 months of occupancy or commencement of operations, and the Village may require a performance guarantee, such as a letter of credit, before a permit for building occupancy is granted and until such landscaping is installed according to plan.

(f) **Maintenance**. Landscaping required by this subsection is intended to be a permanent site improvement. As such, all landscaping shall be continually maintained in a live state. Maintenance shall include periodic and timely watering, fertilizing, pruning and any other such normally required horticulture activity necessary to keep all landscaping in a healthy, safe and aesthetically pleasing state. Recognizing that over time plants may mature and die or otherwise expire because of natural or unnatural causes; maintenance

shall include the removal and replacement of dead or dying plants. Such replacement shall occur within the same year in which a plant dies or in the spring planting season of the following year.

(g) **Location in Utility Easement.** Planting in utility easements is at the risk of the property owner. Any plants that must be removed because of utility work within such easements shall be replaced by the property owner at his or her cost.

Section 10-1-0702: On-Site Lawn and Tree Care

(a) **On-Site Lawn Care.**

(1) Lawn care includes any activity whether on a private lawn or part of a landscaping plan involving the preparation of the ground, installation and maintenance of vegetative ground cover.

(2) Lawn care including gardens within the Village shall comply with the requirements of Sections 6-1-5, 6-1-6, and 6-1-7 and any other applicable regulation of the Village of Prairie du Sac Code of Ordinances.

(3) Lawn care involving non-native species of grass and other species or activities such as mowing and application of lawn chemicals within or adjacent to protected natural resource areas as defined in this Chapter shall be prohibited or restricted in accordance with Section 10-1-0705.

(b) **Tree and Lawn Care within a Local Street Public Right-of-Way.** Lawns and trees within landscape terraces within a local street public right-of-way in the Village and adjacent to public or private development lots shall be maintained in accordance with Section 4-2-4 of the Village Code of Ordinances.

Section 10-1-0703: Woodland Preservation Areas

(a) **Applicability.** All new development (including building construction, other site improvements and/or site preparation), additions to existing development (including building construction, other site improvements and/or site preparation), certified survey maps, subdivision plats, and condominium developments shall comply with the woodland preservation standards set forth in this Section. Removal of existing woodlands from a property before any development approvals from the Village are sought shall not be allowed unless the property owner first obtains a Zoning Permit under Section 10-1-1303 and meets the standards of this Section. All woodlands and mature trees required to be protected shall remain undisturbed and in a natural state except where mitigation is permitted in accord with requirements set forth in this Section. This section shall not apply to lots used for Single-Family or Two-Family residential purposes that were platted before August 1, 2011, or to the construction of buildings associated with agricultural uses.

(b) **Woodland Preservation Plan Required**. Where a site proposed for development includes one or more woodlands, or mature trees outside of a woodland, the property owner shall prepare woodland preservation plan, and submit such plan to the Village along with site plan, certified survey map, or preliminary plat submittal. The woodland preservation plan shall include the following components:

(1) The outlines of woodlands and mature trees that are outside of a woodland.

(2) Specific strategies to preserve woodlands and mature trees to the extent practical during general grading and installation of public improvements within the proposed land division, including structural solutions and alterations included within the site plan, CSM or preliminary plat layout, and/or grading plan.

(3) On all sites with a woodland, the plan shall delineate a portion of the woodland for permanent woodland preservation. A maximum of 30 percent of a woodland may be removed for development without mitigation and inclusion in a permanent woodland preservation area. Woodland acreage

removed for development above the 30 percent threshold shall be replaced on an acre-for-acre basis either in the same location for trees removed only for construction activities, or elsewhere on the site where development has displaced the woodland. All trees planted for mitigation shall be at least one inch trunk diameter measured four feet from the ground. This provision shall not apply where the Zoning Administrator determines that the woodland being removed is entirely or predominately comprised of invasive species or trees originally planted for commercial harvesting.

(4) On all sites with mature trees, the plan shall delineate the location of existing mature trees to be retained and removed for the project. A maximum of 30 percent of existing mature trees may be removed for development without mitigation. Mature trees removed for development above the 30 percent threshold shall be replaced on a 1 for 1 basis either in the same location for trees removed only for construction activities or elsewhere on the site where development has displaced the mature tree. All such additional trees shall be at least three inch trunk diameter measured at four feet above the ground. This provision shall not apply where the Zoning Administrator determines that the mature trees being removed is entirely or predominately comprised of invasive species or trees originally planted for commercial harvesting.

(5) The species of trees to be used in any mitigation shall generally be similar to those removed, with acceptable species for tree mitigation indicated as follows: Sugar Maple, Bitternut Hickory, Hackberry, Butternut, Black Walnut, Eastern Hophornbeam, Black Cherry, White Oak, Red Oak, American Basswood, American Elm. No more than 80 percent of the total number of trees planted for mitigation purposes shall be of any single species.

(c) **Relationship of Woodland Preservation Requirements to Landscaping Requirements.** All requirements for woodland preservation and mitigation under this Section shall be in addition to the other landscaping requirements in Section 10-1-0701 except that trees that are part of woodlands under subsection (b)(3) above and individual mature trees under subsection (b)(4) above may be counted toward meeting only those portions of other landscaping requirements for which the location and type of tree is suitable (e.g. general yard or buffer yard requirements), but shall not be applied toward meeting the requirements of specific landscape areas for which the trees are not suitably located (e.g. paved area landscaping, building foundation landscaping).

(d) **Maintenance of Woodlands and Mature Trees.** Preservation of woodlands and mature trees required by this Section are intended to be permanent site improvements. Permitted maintenance shall include periodic pruning and any other activity necessary to keep the woodlands and associated ground cover in a healthy, safe and aesthetically pleasing state. Recognizing that over time, trees and natural forest cover may mature or die of natural or unnatural causes; maintenance may include the selective cutting and replacement of dead or dying trees and/or removal of invasive species that threaten the health of the woodland or individual trees. Replacements trees necessary to maintain the woodland canopy shall be of an acceptable native species in accordance with Subsection (b)(5) above and occur within the same year in which a plant dies or in the spring planting season of the following year.

Section 10-1-0704: Permanent Green Space Areas

(a) No development within (or reduction of) a Permanent Green Space Area, as defined in Article 1 of this Chapter, to include new or expanded structures, paved or unpaved vehicle circulation areas, paved or unpaved outdoor storage areas, and/or drainage structures, shall be permitted on any site unless in accordance with any and all other requirements of this Chapter and approved by the Village through any and all applicable procedures required by this Chapter.

(b) Any land use, development activity, or other disturbance within a Protected Natural Resource Area, as defined in Article 1 of this Chapter, or otherwise designated as such per Site Plan approval, Conditional Use Permit, or General Development Plan, shall not be allowed unless necessary to keep the natural vegetation and associated ground cover in a healthy, safe and aesthetically pleasing state. Permanent

clearance of natural vegetation within any protected natural resource area so designated shall require amendment to the original approval in accordance with the requirements of this Chapter.

(c) Roads, bridges, utility lines, drainage structures, filling activities and related structures may be located within Permanent Green Space Areas if designed to provide an essential service to an activity area located within the Permanent Green Space Area cannot be efficiently reached from another point. Wherever possible, these facilities shall be designed to avoid Permanent Green Space Areas, thereby eliminating the need for intrusions and crossings.

ARTICLE 8: PERFORMANCE STANDARDS

Section 10-1-0800: Purpose and Applicability

(a) The purpose of this Article is to indicate the requirements for fences, drainage structures, earth filling/moving, fences, swimming pools, vehicle access, parking and circulation, off-street loading, exterior storage, exterior lighting, exterior communications equipment, exterior energy generation systems., vibration, noise, air pollution, odors, electromagnetic radiation, glare, heat, fire and explosion, toxic and noxious materials, waste materials, drainage, exterior construction materials, and hazardous materials for all development occurring within the jurisdiction of this Chapter.

(b) Except where the application of performance standards is specifically made applicable to agricultural and single- and Two-Family residential land uses in this Article, agricultural and single- and Two-Family residential land uses and structures are exempt from these requirements (but residential subdivisions are not exempt). All other land uses and structures shall comply with the performance standards of this Article. Further, where indicated, certain of these standards are applicable within the Village limits only and not within the ETZ area.

Section 10-1-0801: Stormwater Management Improvements

(a) All stormwater management improvements shall comply with all applicable Village, County, State, and Federal standards, including but not limited to Title 10, Chapter 9: Construction Site Erosion Control and Storm Water Management of the Village Code of Ordinances within the Village's municipal boundaries.

(b) Stormwater management improvements include, but not limited to, swales, ditches, culverts, drains, tiles, gutters, levees, basins, detention or retention facilities, impoundments, and dams which are intended to effect the direction, rate and/or volume of stormwater runoff, snow melt, and/or channelized flows across, within and/or away from a site. It is the policy of the Village to encourage rain gardens, bioswales, and other similar natural forms of stormwater management and infiltration.

Section 10-1-0802: Earth Filling and Excavating

(a) Earth filling and excavating activities include any activity in an area over 4,000 square feet, or greater than 500 cubic yards of fill, involving the modification of the earth's surface above that in its undisturbed state. Earth filling and excavating activities:

(1) Shall comply with the Village's Construction Site Erosion Control and Storm Water Management regulations.

(2) Shall comply with Sections 10-1-0704 and 10-1-0705 regarding filling activities in Permanent Green Space Areas.

(3) Shall comply with Overlay District requirements in Article 5 as may be applicable to the site.

(4) Shall not create drainage onto other properties or impede on-site drainage.

(5) Shall comply with provisions of the Village Land Division Ordinance.

Section 10-1-0803: Reserved For Future Use

Section 10-1-0804: Fences, Landscape Walls, and Hedges

(a) **Purpose.** The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.

(b) **Applicability.** The requirements of this Section apply to all permanent fencing, landscape walls and decorative posts equal to, or exceeding, 36 inches in height.

(c) **Standards.**

(1) Traffic Visibility. On corner lots in all zoning districts and for all uses, no fence, wall, hedge, planting or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of 2 1/2 feet and ten feet above grade, in the area bounded by the street right-of-way lines of such corner lots and a line joining the points along such street right-of-way lines, ten feet from the point of intersection. All fences, walls and hedges must comply with Section 10-1-807(m).

(2) Residential Fences.

a. Front and Street Side Yard Fences. For all residentially zoned land and residential uses, the maximum height of each fence, wall, or continuous hedge within the front or street side yard shall be 4 feet, increasing to 6 feet outside of the minimum required street side yard setback for a principal structure. Within the Village, fences in a front or street side yard shall be decorative in nature and of semi-open designs such as vertical picket (only non-pointed picket fences permitted), weaved lattice, or wrought iron bars; with wire, chain, or exposed/reflective metal not permitted. Front and street side yard fences, walls, and hedges shall be set back a minimum of two feet from any property line.

b. Interior Side and Rear Yard Fences. For all residentially zoned land and residential uses, a fence, wall, or living hedge not exceeding 6 feet in height may be erected or planted within the required interior side yard or rear yard of the principal structure, provided it is set back at least two feet from a property line. If the fence has only one decorative side, the decorative side shall face the neighboring adjacent property. Living hedges must be trimmed so that all limbs remain entirely within the property on which they are planted.

(3) Non-Residential Fences.

a. Security Fences. In all districts other than residential and agricultural zoning districts, security fences not exceeding 10 feet in height measured from the base are permitted within one foot of any property line. Security fences shall not be permitted between the principal building and the front lot line, or within the minimum required front yard where there is no principal building on the lot. Barbed, razor, or similar cutting wire may only be used as prescribed in Section 10-1-0804(c)8.

b. Front and Street Side Yard Fences. In all districts other than residential and agricultural zoning districts, the maximum height of each opaque fence (other than low-opacity security fences allowed in Subsection (3)(a) above), wall, or continuous hedge within the minimum required front or side yard setback for principal structures shall be 4 feet, increasing to 6 feet outside of the minimum required front or street side yard setback for a principal structure. Within the Village, opaque fences in a front or street side yard shall be decorative in nature. Front and street side yard fences and walls shall not serve as substitutes for vegetative landscaping requirements per Section 10-1-0701 unless specifically approved on a site plan approved by the Plan Commission or Joint Committee. Front and street side yard fences, walls, and hedges shall be set back a minimum of two feet from any property line.

c. Interior Side and Rear Yard Fences In all districts other than residential and agricultural zoning districts, a fence, wall, or living hedge not exceeding 10 feet in height may be erected or planted within a required interior side or rear yard, provided it is set back at least two feet from a property line. If the fence has only one decorative side, the decorative side shall face the neighboring adjacent property. The Plan Commission or Joint Committee may require fencing

materials and/or intervening vegetative plantings to ensure compatibility between a property and an adjacent property or public right-of-way.

(4) Fences in Agricultural Districts. Fencing within agricultural zoning districts shall be exempt from the requirements of this Section, except that all front and street side yard fences shall adhere to the front yard fence requirements for residential districts that are applicable within the Village. Agricultural fences shall not be subject to site plan approval under this Chapter.

(5) Setback Adjustments. Where applicable, the normal minimum two foot setback of a fence may be reduced to zero and/or a fence may be connected to a neighboring fence, provided that:

a. All of the owners enter into a formal written agreement that addresses and guarantees maintenance, access, and liability responsibilities, and such agreement is recorded with the register of deeds against all affected lots and maintained for as long as the fence exists without the normal two foot setback.

b. The Zoning Administrator agrees to the form and content of the agreement and issues a zoning permit, which shall be issued only following the recording of such agreement.

(6) Temporary Fences. Fences erected for the protection of plantings or to warn of construction hazards or for similar purposes shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences. Snow fences shall be removed by April 30.

(7) Maintenance**.** All fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner.

(8) Prohibited Fences.

c. The use of a fence which delivers an electric shock is prohibited, except that electric fences used for the confinement of livestock or undomesticated animals in any agricultural district is permitted by right, and electric fences used for confinement of livestock or undomesticated animal in other districts under a Conditional Use Permit.

d. The use barbed wire, razor wire, or similar cutting wire is prohibited except: i) in any non-residential district, a security fences in which the cutting or barbed wire is a minimum of 10 feet above ground level is permitted, and ii) in all agricultural districts, fences of any height used for confinement of livestock or undomesticated animals in any agricultural district are permitted, and any approved confinement of livestock or non-domesticated animals fences in other districts may be allowed under a Conditional Use Permit.

Section 10-1-0805: Swimming Pool Standards

(a) **Definition.** A "swimming pool" means either an above ground or in ground outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than 36 inches located below the surface of ground elevation or deck, used or intended to be used solely by the owner, operator or lessee thereof and his family and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

(b) **Exempt Pools.** The following are exempt from the requirements of this Section:

1. Any swimming pool in the extraterritorial zoning jurisdiction.

2. Each pool that is designed to be readily and/or seasonally disassembled, stored, and reassembled to its original integrity, provided that pool wall height does not exceed 48 inches.

3. Decorative pools that are less than 36 inches in depth.
4. Spas and hot tubs with lockable tops.

(b) **Permit Required.** Before work is commenced on the construction or erection of a private or residential swimming pool or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add thereto must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. A current fee shall accompany such application.

(c) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction, unless the following construction requirements are observed:

(1) Approved Materials. All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and with any and all ordinances of the Village now in effect or hereafter enacted.

(2) Plumbing. All plumbing work shall be in accordance with all applicable local ordinances and all State codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.

(3) Electrical Installations. All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and local ordinances regulating electrical installations.

(d) **Setbacks and Other Requirements**

(1) Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.

(2) All swimming pools shall be at least 6 feet from any lot line or building unless designed and approved as an addition to a building.

(e) **Enclosure.** Pools within the scope of this Section that are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than five feet in height and not less than four feet from the pool edge, and constructed not to have voids, holes or openings larger than four inches in one dimension. Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the gate or door on the pool side of the enclosure, except the door of any residence that forms a part of the enclosure. This Section shall not apply to existing fences on the date of adoption of the ordinance from which this Section is derived at least 40 inches in height that otherwise comply with this Section.

(f) **Compliance.** All swimming pools existing at the time of passage of this Chapter not satisfactorily fenced shall comply with the fencing requirements of this Section or when water is placed in the pool. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.

(g) **Draining and Approval Thereof.** No private swimming pool shall be constructed so as to allow water to drain into any sanitary sewer nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer.

(h) **Filter System Required.** All private swimming pools must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.

(i) **Dirt Bottoms Prohibited.** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

Section 10-1-0806: Outdoor Storage of Firewood

(a) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of 30 days from the date of its delivery.

(b) Firewood shall be neatly stacked and may not be stacked closer than three feet to any lot line and not higher than six feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.

(c) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.

(d) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of the Village Municipal Code.

(e) Except for agricultural, commercial, storage, and industrial uses, not more than 20 percent of the side and rear yard may be used for storage of firewood at any one time. Areas used for storage of firewood count against the required landscape surface requirement (Article 4).

Section 10-1-0807: Exterior Storage Standards

(a) **Purpose.** The purpose of this Section is to regulate the use of property for exterior storage so as to promote the safety and general welfare of the public. Additional standards for outdoor storage applicable to specific land uses as specified in Section 10-1-0310 and elsewhere in this Chapter shall also apply.

(b) **Firewood.** Firewood shall be stored in accordance with Section 10-1-0806.

(c) **Exterior Trash Storage.** Except single and Two-Family residential and agricultural zoning districts, all exterior trash storage shall be located within an enclosure that completely screens the view of said trash. A solid fence or gate shall be used to gain access to the storage area. Exterior trash storage areas and enclosures shall not be permitted in any front or street side yard setback or closer to the street than the principal structure. Exterior trash storage areas and enclosures must meet the setback requirement for an accessory structure and are not permitted in a required buffer yard.

(d) **Off Street Parking.** Except in agricultural zoning districts, storage of operable resident, tenant, customer, and employee vehicles shall be allowed in accordance with the pavement setback requirements of Article 4 and landscaped in accordance with the paved area landscaping and bufferyard requirements of Section 10-1-0701 as applicable. Storage or parking of semi-trailers and vehicles with a rated capacity of over 26,000 pounds (heavy duty) in residential zoning districts is prohibited, except for recreational vehicles stored in accordance with Section (e).

(e) **Recreational Vehicles.** Outside storage of recreational vehicles owned for personal use by the property owner or tenants is allowed in all zoning districts in accordance with this subsection (e), except in agricultural zoning districts where these standards do not apply. Outside storage of recreational vehicles associated with an allowed vehicle retail sale, service or repair land use in a business district or commercial storage of recreational vehicles owned by individuals other than property owners or on-site residents shall be regulated in accordance with the provisions of Articles 2, 3, and 4 of this Chapter.

(1) With the front or street side yard, shall be permitted on paved surface only and parked perpendicular to the nearest curb. In other yards, shall be permitted on a paved surface, well-drainedgravel surface, or other ground surface that is well-drained; where soil erosion does not result; grass, weeds, and other growth under the vehicle cut; and all debris and rubbish cleaned up and removed. Regardless of the surface on which it is placed, no recreational vehicle be permitted that is leaking or otherwise resulting in a threat to public health or safety.

(2) Shall be set back a minimum of 5 feet from all front, side and rear lot lines.

(3) Shall belong to a property owner or tenant of the property. In non-residential districts, outdoor storage of recreational vehicles associated with an allowed commercial use is exempt from this requirement.

(4) Shall apply only to operable vehicles, and, if designed for road use, licensed and registered vehicles, except that as part of an approved vehicle service and repair land use, temporary storage of inoperable vehicles is allowed subject to the Site Plan approval for that use.

(5) Shall not be used as a dwelling unit for more than 14 days per calendar year, and shall not be used as or considered an accessory structure.

(6) Shall not be connected to sanitary sewer or a private on-site waste treatment system at any time, and shall not be connected to electricity or water except for maintenance and for use as a temporary dwelling for 14 days per calendar year or less.

(7) Except for use as a temporary dwelling unit for not more than 14 days per calendar year, no recreational vehicle may be stored or kept on a residentially zoned lot that does not also contain a permanent residence or other principal building allowed in the district.

(d) **Inoperable Vehicles and Junk.** The outside storage of inoperable vehicles, appliances, and other junk or trash shall be prohibited in all residential, business, and institutional districts in accordance with Article 9, Chapter 3 of the Village Code of Ordinances and other applicable ordinance requirements. Junkyard or Salvage Yard land uses approved in accordance with the requirements of this Chapter are exempt from this Subsection.

(e) **Construction Materials and Equipment Related to On-site Construction.** Except within agricultural zoning districts, all temporary storage of construction materials and equipment related to on-site construction shall be set back a minimum of 5 feet from any interior side or rear property line, and to the extent possible, outside of any front or street side yard.

(f) **General Storage.** Except where approved by the Plan Commission or Joint Committee per Section 10-1-0307, and in addition to other applicable standards regarding the exterior storage of materials in this Chapter, in all districts other than residential and agricultural zoning districts, all materials and equipment stored outdoors shall be screened from all public streets through a bufferyard meeting the requirements of Section 10-1-0701(c)4. Said storage shall be limited to the rear two-thirds of the lot and outside of any minimum required yard, except where approved by said Commission or Committee.

Section 10-1-0808: Access and Visibility Standards (Driveways)

(a) **Purpose and Applicability.** The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of access to public rights-of-way in accordance with the utilization of various sites. The provisions in this Section apply to all residential uses but not to agricultural uses.

(b) **Permit Required.** Each access point onto a Village street or right-of-way shall have a permit issued by the Zoning Administrator per Wisconsin Statutes 86.07(2).

(c) **Number of Access Points.**

(1) Each lot shall not have more than one access point on any one street, if its frontage on said street is less than 100 linear feet (as measured along the right-of-way line) or if its principal use is a Single Family Residential dwelling.

(2) Each lot shall have not more than two access points on any street frontage adjacent to any lot, except as otherwise limited under subsection (1).

(3) On arterial streets and in certain areas experiencing, or expected to experience, congestion and/or safety problems, access to a lot may be required to be located via an access point located on an adjacent property or another street frontage.

(4) Exceptions to these access point standards may be approved by Conditional Use Permit.

(d) **Residential Uses.** Residential uses shall not have access points onto a nonresidential collector street or an arterial street, unless such street has the only available frontage.

(e) **Non-residential Uses.** Non-residential, non-agricultural uses shall not have access points onto a residential street, unless such street has the only available frontage.

(f) **Access Near Street Intersections.** At its intersection with the street right-of-way line of an arterial or nonresidential collector street, no access point shall be located closer than 100 feet from the intersection of any two street rights-of-way, except by Conditional Use Permit. In all cases, access points shall be located as far from an intersection as the lot size permits. Nonconforming driveways may be replaced in their current location, except as part of site-plan review and approval, where required.

(g) **Distance Between Access Drives.** The minimum distance between access drives serving the same property shall be 25 feet (edge to edge), as measured at the property line. A distance in excess of said 25 feet may be required if, in the opinion of the Zoning Administrator and the present or projected traffic factors warrant a greater distance.

(h) **Angle of Intersection with Public Right-of-Way.** All access drives shall intersect with any public right-of-way at an angle of not less than 75 degrees, and shall intersect at an angle of 90 degrees wherever possible.

(i) **Distance from Property Line.** The distance from an access drive or parking lot to the property line shall not be less than the minimum associated setback for paved areas in Figures 10-1-0403(b) or 10-1-0404(b), whichever is applicable, except for approved shared driveways, shared parking lots, and cross-access ways.

(j) **Width of Driveways.** All access drives shall have a minimum width of 10 feet for Single-Family and Two-Family dwellings, and 18 feet for all other land uses to which this Section is made applicable. All curb openings for access drives shall have a maximum width of 24 feet for all residential uses, and 40 feet for all non-residential, non-agricultural uses, as measured at the right-of-way line. Access drives may be flared between the right-of-way line and the roadway up to a maximum of five additional feet. Maximum widths specified above may be exceeded with Plan Commission or Joint Committee site plan approval.

(k) **Traffic Control.** The traffic generated by any use shall be channelized and controlled in a manner which avoids congestion on public streets and other safety hazards. Traffic into and out of all off-street parking, loading and traffic circulation areas serving six or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways. Traffic control devices shall be required as determined by the Zoning Administrator.

(l) **Paving of Access.** Except for agricultural uses, all access approach areas shall be surfaced with a hard, all-weather surface, and shall be maintained so as to prevent the transport of gravel, dirt, or other eroded material from a property into the right-of-way.

(m) **Visibility and Vision Access Standards.** In order to provide a clear view of intersecting streets to motorists, there shall be a triangular area of clear vision formed by (1) the two lines formed by the

boundaries of any two intersecting street rights-of-way (or by the boundaries of a site access driveway and an intersecting street right-of-way) and (2) a third straight line connecting the first two lines per the following standards:

Figure 10-1-0808(a): Vision Clearance Triangle Standards

Street Right-of-Way Width	Distance from Street Right-of Way/Driveway Edge Intersection
less than 66 feet (and all driveways)	10 feet
66+ feet	20 feet

Within said triangular area, no sign, earthwork, vegetation, fencing, or other obstructions between 30 inches and 8 feet in height above either of the lowest centerline elevation of said two streets (or street and driveway) shall be permitted, except for sign poles and tree trunks.

(n) **Depiction on Required Site Plan.** The configuration and location of any and all proposed access drives on a property shall be depicted on any required Site Plan (per to Section 10-1-1307).

Section 10-1-0809: Off-Street Parking and Traffic Circulation Standards

(a) **Purpose and Applicability.** The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation in accordance with the utilization of various sites. The requirements of this section shall not apply to agricultural uses, but shall apply to all other uses and zoning districts as indicated where vehicles for employees, patrons, residents, guests, sale or rent are kept.

(b) **Depiction on Required Site Plan.** Any and all parking and traffic circulation areas proposed to be located on a property shall be depicted as to their location and configuration on the Site Plan, if required for the development of the property (Section 10-1-1307). Each and every on-site parking space designed to serve as required parking shall not be located farther than 300 feet of shortest walking distance from the various areas or uses it is designated to serve, unless an exception is granted as part of a Conditional Use Permit approval. A garage stall shall be considered a parking space.

(c) **Use of Off-Street Parking Spaces.** The use of all required off-street parking spaces shall be limited to the parking of licensed vehicles, which shall also all be operable in residential zoning districts. The use of parking spaces for other purposes shall only be permitted if sufficient off-street parking spaces remain available for vehicular parking per the minimum requirements of this section as applied to the associated land use.

(d) **Traffic Circulation and Traffic Control.** Site circulation shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and on the site. Circulation shall be provided to meet the individual needs of the site with specific mixing of access and through movements, and shall be depicted on any required Site Plan. Circulation patterns shall conform with the general rules of the road and all traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices.

(e) **Installation and Maintenance of Off-Street Parking and Traffic Circulation Areas.** All off-street parking and traffic circulation areas shall be completed prior to building occupancy and shall be maintained in a dust-free condition at all times. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area, except as provided for by Section 10-1-0808(3).

(f) **Off-Street Parking and Traffic Circulation Design Standards.**

(1) Surfacing and Marking. All off-street parking and traffic circulation areas (except for residential and agricultural uses in the ETZ) shall be paved with a hard, all-weather surface. Each hard parking

surface intended for 6 or more parking stalls shall be striped in a manner which clearly indicates required parking spaces.

(2) Curbing or Tire Bumper. All off-street parking areas designed to have head-in parking within 6½ feet of any lot line shall provide a tire bumper or curb of adequate height and which is properly located to ensure that no part of any vehicle will project beyond the pavement edge. Curbing or other adequate barriers may also be required where necessary to properly direct stormwater flows, protect pedestrian movement, protect pavement edges, or protect landscaped areas, as part of the Site Plan review process.

(3) Lighting. All off-street parking and traffic circulation areas serving 6 or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use, with said illumination level shall not exceeding the standards of Section 10-1-0811.

(4) Access. Each required off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into a public right-of-way. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner which least interferes with traffic movements. Off-street parking spaces for residential uses may be stacked or in front of one-another for the same building unit. Parking spaces located behind an enclosed garage and located directly off a through aisle shall be a minimum of 30 feet deep.

(5) Signage. All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements of Article 9.

(6) Handicapped Parking Spaces. Parking for the handicapped shall be provided at a size, number, location, and with signage as specified by State and Federal regulations.

(7) Parking Space Design Standards. Other than parking required to serve the handicapped, the minimum required length of parking spaces shall be 18 feet, and the minimum required width is 9 feet (7 ½ feet for end spaces). All parking spaces shall have a minimum vertical clearance of at least 7 feet.

(8) Snow Storage. Required off-street parking and traffic circulation areas shall not be used for snow storage.

(9) Parking Lot Design Standards.

a. Horizontal widths for driveways serving parking lots shall be not less than 24 feet for two-way driveways and 12 feet for one way driveways. Additional design standards apply to Group Developments (See Section 10-1-0604) and Large Retail and Commercial Service Developments (See Section 10-1-0605).

b. Parking lot landscaping shall comply with the requirements of the paved area landscaping requirements in Section 10-1-0701.

(g) **Calculation of Minimum Required Parking Spaces.** The Minimum Parking Requirements stated for each land use in Section 10-1-0310 shall be used to determine the minimum required number of off-site parking spaces which must be provided on a property. Requirements are generally tied to the capacity of the use; the Gross Floor Area of the use; or the number of employees which work at a property during the largest work shift. The term "capacity" as used herein means the maximum number of persons that may be accommodated by the use as determined by its design or by State Building Code regulations, whichever number is greater. References herein to "employee(s) on the largest work shift" means the maximum number of employees working at the facility during a single given day, regardless of the time period during which this occurs, and regardless of whether any such person is a full-time employee. The largest work shift

may occur on any particular day of the week or during a lunch or dinner period in the case of a restaurant. In all cases, one reserved parking space shall be provided for each vehicle used by the operation during business hours. Said spaces shall be in addition to those required by Section 10-1-0310. Where said parking needs of any land use exceed the minimum requirements of this Chapter, additional parking spaces sufficient to meet the average maximum weekly peak-hour parking space demand shall be provided by said land use.

(h) **Limit on the Maximum Number of Required Parking Spaces.** No Site Plan may be approved, for a Multi-Family residential or non-residential use, which contains more than 120 percent of the development's minimum number of required parking spaces, except as granted through a Conditional Use Permit.

(i) **Potential Reduction in Automobile Parking Spaces.** The Plan Commission or Joint Committee may approve a decrease in the required number of off-street automobile parking spaces by up to 25 percent of the normal requirements based upon technical documentation furnished by the applicant that indicates that actual off-street parking demand for that particular use is less than the required standard set forth in this Ordinance.

(j) **Partial Development of Required Parking Spaces.** Any development may seek permission to not install a portion of its required parking at time of Site Plan review; however, said Site Plan shall depict the minimum number of required parking spaces.

(k) **Joint Parking Facilities.** Parking facilities providing required parking for one or more uses shall provide a total number of parking spaces which shall not be less than the sum total of the separate parking needs for each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses. However, this aggregate requirement may be reduced or expanded by the Plan Commission or Joint Committee by explicit motion associated with this Site Plan Review process.

(1) The applicant(s) for approval of a joint parking facility shall demonstrate that there is no substantial conflict in the demand for parking during the principal operating hours of the two of more uses for which the joint parking facility is proposed to serve.

(2) A legally binding instrument, approved by the Village Attorney, shall be executed by any and all parties to be served by said joint parking facility. This instrument shall be recorded with the Register of Deeds Office, and filed with the Village Clerk.

(l) **Parking within B-C Central Business District.** Within the B-C Central Business District, the Plan Commission may reduce or waive the minimum number of parking spaces required in Subsection (g) above and for each particular land use listed in Section 10-1-0310, provided that the Commission determines that sufficient on-street or other public parking exists in the area based on the Village of Prairie du Sac Downtown Parking Needs Assessment and other data available to the Commission.

(m) **Locational Prohibitions for Off-Street Parking Areas.**

(1) Off-street parking shall not be located between the principal structure on a residential lot and a street right-of-way, except within residential driveways and parking lots designated on any approved Site Plan (Section 10-1-1307).

(2) No private parking required under this section shall occur on street terraces, driveways, or any other areas located within a public right-of-way, except by Conditional Use Permit.

(3) Except where explicitly approved as part of a Site Plan approval, all motor vehicles shall be parked or otherwise kept on a hard, all-weather surface, except that motor vehicles may be parked in graveled areas in association with agricultural and residential uses in the ETZ.

(n) **Minimum Permitted Throat Length.** All uses requiring Site Plan approval shall have a minimum permitted throat length of access drives serving parking lots of 25 feet, as measured from the right-of-way line along the centerline of the access drive., except as modified by the Plan Commission or Joint

Committee based on unique site conditions or suitable assurance that traffic will not back up into public rights-of-way.

(o) **Bicycle Parking Standards.**

(1) Required Provision of Bicycle Parking Areas. A number of off-street bicycle parking spaces shall be provided equal to five percent of the automobile parking space requirement, with no fewer than two bicycle parking spaces available for all uses requiring 10 or more vehicular parking spaces. Each "Inverted-U" type rack provided will count as two bicycle parking spaces.

(2) Specifications for Bicycle Parking Spaces. All bicycle parking provided should be on a hard-surfaced area. All bicycle parking spaces shall be placed within 50 feet of building entrances, or in other locations where bicyclists would naturally transition to pedestrian mode. The placement of the racks shall minimize conflicts with pedestrians and motorized traffic. The "Inverted-U" type bike rack is the preferred bicycle parking rack and means of providing off-street bicycle parking spaces.

Section 10-1-0810: Off-Street Loading Standards

(a) **Purpose.** The purpose of this Section is to prevent congestion of public rights-of-way and private lots so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.

(b) **Applicability.** Any new building which has a Gross Floor Area of 6,000 square feet or more and which requires regular deliveries or makes regular shipments from semi-trucks and trailers, shall provide off-street loading facilities in accordance with the regulations of this Section, except for uses/buildings within the B-C District, uses/buildings which were established before January 1, 2011, and agricultural uses.

(c) **Location.**

(1) All loading berths shall be located 25 feet or more from the intersection of two street right-of-way lines.

(2) Loading berths shall not be located within any required front yard or street side yard setback area.

(3) All loading and vehicle maneuvering areas shall be located on the private lot and shall not be located within, or so as to interfere with, any public right-of-way or minimum required pavement setback per Article 4 of this Chapter.

(d) **Size of Loading Area.** The first required loading berth shall be designed in accordance with Figure 10-1-0810(a). All remaining required loading berths shall be a minimum of 50 feet in length and 10 feet in width. All required loading berths shall have a minimum vertical clearance of 14 feet.

(e) **Access to Loading Area.** Each loading area shall be located so as to facilitate access to a public street or alley, shall not interfere with other vehicular or pedestrian traffic per Section 10-1-0808, and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way.

(f) **Surfacing and Marking.** All required loading areas shall be paved with a hard, all-weather surface and maintained in a dust-free condition at all times. Said surface shall be marked in a manner which clearly indicates required loading areas.

(g) **Use of Required Loading Areas.** The use of all required loading areas shall be limited to the loading and unloading of vehicles. Said area shall not be used to provide minimum required parking spaces.

(h) **Lighting.** All loading areas shall be lit so as to not exceed the standards of Section 10-1-0811.

(i) **Signage.** All signage located within, or related to, loading areas shall comply with the requirements of Article 9.

(j) **Depiction on Required Site Plan.** Any and all proposed or required loading areas and trailer and container storage areas shall be depicted as to their location and configuration on any Site Plan required for the development of the property.

(k) **Calculation of Required Loading Spaces.**

(1) Indoor Institutional Land Uses. One loading berth shall be required for each building having a Gross Floor Area of 6,000 square feet to 29,999 square feet. For such uses located in buildings having a Gross Floor Area of 30,000 square feet or greater, two loading berths shall be required.

(2) Commercial (except Offices), Storage/Disposal, Transportation, and Manufacturing Land Uses. One loading berth shall be required for each building having a Gross Floor Area of 6,000 square feet to 29,999 square feet. For such uses located in buildings having a Gross Floor Area of 30,000 square feet or greater, an additional loading berth shall be required for any portion of each 50,000 square feet of Gross Floor Area in addition to the original 29,999 square feet.

(3) Office Land Uses. One loading berth shall be required for each building having a Gross Floor Area of 6,000 square feet to 99,999 square feet. For such uses located in buildings having a Gross Floor Area of 100,000 square feet or greater, an additional loading berth shall be required for any portion of each 100,000 square feet of Gross Floor Area in addition to the original 99,999 square feet.

Figure 10-1-0810(a): Loading Standards

Design Vehicle	Length in Feet	Dock Angle (a)	Clearance in Feet (D)	Berth Width in Feet (W)	Apron Space in Feet (A)	Total Offset in Feet (F)
Semitrailer (Model WB-40)	50	90°	50	10	63	113
				12	56	106
				14	52	102
		60°	44	10	46	90
				12	40	84
				14	35	79
		45°	36	10	37	73
				12	32	68
				14	29	65
Semitrailer Combination (Model WB-50)	55	90°	55	10	77	132
				12	72	127
				14	67	122
		60°	48	10	55	103
				12	51	99
				14	46	94
		45°	39	10	45	84
				12	40	79
				14	37	76

Section 10-1-0811: Exterior Lighting Standards

(a) **Purpose.** The purpose of this Section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.

(b) **Applicability.** The requirements of this Section apply to all exterior lighting and all interior light visible from the exterior on private property within the jurisdiction of this Chapter, except for lighting within public rights-of-way, lighting located on public property, and/or lighting on communications towers, airports, heliports, helipads, and where otherwise required to meet safety regulations and significant public safety needs as determined by the Zoning Administrator.

(c) **Depiction on Required Site Plan.** Any and all exterior lighting shall be depicted as to its location, orientation and configuration on any Site Plan required for the development of a property. (Refer to Section 10-1-1307).

(d) **Orientation of Fixture.** In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a clear shield) is visible from a property located within residentially zoned property or allowed to direct light skyward. Shielded luminaries and careful fixture placement shall be used to ensure that exterior lighting prevents direct lighting above the horizontal, except that architectural lighting that focuses all light below the roof line may exceed the horizontal. Search lights are prohibited except for any search light deemed necessary by the FAA.

(e) **Intensity of Illumination.** In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 footcandles above ambient lighting conditions on a cloudless night.

(1) The maximum average on-site lighting on non-residentially zoned property shall be 3.0 foot-candles.

(2) The maximum average on-site lighting on residentially zoned property shall be 1.0 foot-candle.

(f) **Fixture Heights.** The maximum fixture height on a residentially zoned property shall be 20 feet. The maximum fixture height in all other districts shall be 35 feet. The height of both pole and fixtures shall be considered for the measurement of fixture height.

(g) **Exceptions to Intensity of Illumination and Fixture Height Requirements.** The Plan Commission or Joint Committee may grant exceptions to the above Intensity of Illumination and/or Fixture Height requirements in one or more of the following circumstances:

(1) Outdoor recreation use and assembly areas such as athletic fields.

(2) Gas station pump islands and other uses in which motor vehicles and pedestrians routinely operate in close proximity with one another. Use of recessed canopy lighting to minimize off-site impacts may be required.

(h) **Location.** Light fixtures shall not be located within required bufferyards nor closer than 3 feet from a property line.

(i) **Flashing, Flickering and other Distracting Lighting.** Flashing, flickering moving (such as search spot or search lights) and/or other lighting which may distract motorists are prohibited.

(j) **Minimum Lighting Standards.** All areas designated on required Site Plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.2 footcandles.

(k) **Nonconforming Lighting.** All lighting fixtures existing prior to August 18, 2011 shall be considered as legal conforming structures (see Article 12).

(l) **Special Events Lighting.** Any temporary use using exterior lighting which is not in complete compliance with the requirements of this Section shall secure a Temporary Use Permit (Refer to Section 10-1-1305).

Section 10-1-0812: Vibration Standards

(a) **Purpose.** The purpose of this Section is to regulate the creation of vibration which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

(b) **Applicability.** The requirements of this Section apply to all uses and activities which create detectable vibrations, except that these standards shall not apply to vibrations created during the construction of the principal use on a property.

(c) **Depiction on Required Site Plan.** Any activity or equipment which creates detectable vibrations outside the confines of a building shall be depicted as to its location on the Site Plan required for the development of a property.

(d) **Requirements.** No activity or operation shall cause or create earthborn vibrations in excess of the displacement values given below.

(e) **Method of Measurement.** Measurements shall be made at or beyond the adjacent lot line or the nearest residence district boundary line, as described below. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three mutually perpendicular directions. The maximum permitted displacements shall be determined in each zoning district by the following formula:

D = K/f, where D = displacement in inches

K = a constant to be determined by reference to the tables below

f = the frequency of vibration transmitted through the ground, cycles per second

(f) **Standards in the M-G General Manufacturing District.** In the M-G General Industrial District, the maximum earth displacement permitted at the points described below shall be determined by use of the formula above and the appropriate K constant shown in the table below.

Location	**K**
On or beyond any adjacent lot line	
Continuous	0.015
Impulsive	0.030
Less than 8 pulses per 24-hour period	0.075
On or beyond any residence district boundary line	
Continuous	0.003
Impulsive	0.006
Less than 8 pulses per 24-hour period	0.015

(g) **Standards other Non-Residential Zoning Districts.** In all other non-residential zoning districts aside from the M-G zoning district, the maximum earth displacement permitted at the points described below shall be determined by use of the formula above and the appropriate K constant shown in the table below.

Location	K
On or beyond any residence district boundary line	
Continuous	0.003
Impulsive	0.006
Less than 8 pulses per 24-hour period	0.015

Section 10-1-0813: Noise Standards

The requirements of Section 9-2-9 of the Village's Code of Ordinances apply to all uses and activities which create detectable noise, except for Agricultural Land Uses listed in Section 10-1-0310(b).

Section 10-1-0814: Air Pollution Standards

(a) The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to air pollution created during the construction of the principal use on a property, or by incidental traffic, parking, loading, maintenance, or agricultural operations.

(b) The emission, from all sources within any lot, of particulate matter containing a particle diameter larger than 44 microns is prohibited.

(c) Emission of smoke or particulate matter of density equal to or greater than Number 2 on the Ringelmann Chart (US Bureau of Mines) is prohibited at all times.

(d) Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, oiling or other acceptable means. This standard shall not be apply to allowable agricultural uses within an agricultural zoning district.

(e) All uses shall comply with all applicable State and Federal standards.

Section 10-1-0815: Odor Standards

(a) The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to odors associated with allowable agricultural uses, odors created during the construction of the principal use on a property, odors by incidental fertilizer application, traffic, parking, loading, or maintenance operations, or odors associate with the normal operations or any use established before January 1, 2011. Public landfills and public sanitary sewage treatment plants shall be exempted from the requirements of this Section as essential public services.

(b) Except for food preparation and cooking odors emanating from residential land uses, odors from allowed agricultural land uses, and odors associated with property development and maintenance (such as construction, lawn care, and the painting and roofing of structures), no odor shall be created for periods exceeding a total of 15 minutes per any day which are detectable by the Zoning Administrator or a designee who is unaffected by background odors such as tobacco or food at the boundary of a property, where said lot abuts property within any residential zoning district.

Section 10-1-0816: Glare and Heat Standards

(a) The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to glare created during the construction of a principal use, or by incidental traffic, parking, loading, maintenance, or agricultural operations.

(b) No direct or sky-reflected glare, whether from floodlights or from temperature processes such as combustion or welding or otherwise, so as to be visible at any lot line of a property shall be permitted. Furthermore, there shall be no transmission of heat or heated air so as to be discernible (by a healthy observer such as the Zoning Administrator or a designee) at the lot line. Solar Energy Systems regulated by Wisconsin Statutes 66.0401 shall be entitled to the protection of its provisions.

Section 10-1-0817: Fire and Explosion Standards

Any use involving materials which could decompose by detonation shall locate such materials not less than 400 feet from any residentially zoned property; or business or institutional zoning district (see Article 3), except that this standard shall not apply to the storage or usage of liquefied petroleum or natural gas for normal on-site residential or business purposes. All activities and storage of flammable and explosive materials at any point shall be provided with adequate safety and fire fighting devices in accordance with all fire prevention codes of the State of Wisconsin.

Section 10-1-0818: Toxic or Noxious Material Standards

(a) No use shall discharge across the boundaries of any property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.

(b) No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Public Health.

Section 10-1-0819: Waste Material Standards

(a) No use shall discharge across the boundaries of any property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.

(b) No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Natural Resources.

Section 10-1-0820: Hazardous Materials Standards

(a) All land uses involving hazardous materials listed in this Section, except for agricultural uses, shall submit a written description of such materials and the operations involving such materials conducted on their property as part of the required Site Plan submittal (See Section 10-1-1307). All such materials shall be regulated in accordance with the relevant State Statutes:

(1) Micro-Organism Cultures subject to Wisconsin Statutes 94.65;

(2) Pesticides subject to Wisconsin Statutes 94.67(25);

(3) Biological Products subject to Wisconsin Statutes 95.39;

(4) Hazardous Substances subject to Wisconsin Statutes 100.37(1)(c);

(5) Toxic Substances subject to Wisconsin Statutes 101.58(2)(j);

(6) Infectious Agents subject to Wisconsin Statutes 101.58(2)(f);

(7) Any material for which the State of Wisconsin requires notification of a local fire department; or

(8) Any other uses, activities, or materials which are subject to County, State, or Federal hazardous, or related, materials regulations.

Section 10-1-0821: Administration and Enforcement Standards

(a) Determinations necessary for administration and enforcement of performance standards set forth in this Article range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Chapter that:

(1) Where determinations can be made by the Zoning Administrator using equipment normally available to the Village or obtainable without extraordinary expense, such determinations shall be so made before notice of violations is issued.

(2) Where technical complexity or extraordinary expense makes it unreasonable for the Village to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections or apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.

a. The Zoning Administrator shall give written notice, by certified mail or other means, ensuring a signed receipt for such notice to the person or persons responsible for the alleged violations. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator.

b. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the administrative official within the time limit set constitutes admission of violation of the terms of this Chapter. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this Chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the Village.

ARTICLE 9: SIGN REGULATIONS

Section 10-1-0900: Purpose

The purpose of this Article is to establish standards for signage that protect public health and safety, advance the aesthetic and community character objectives of the community; and ensure the effective and flexible use of signage for commercial, community, and individual expression within the Village and its Extraterritorial Zoning Jurisdiction. This Article establishes standards for type, appearance, location, dimensions, and illumination appropriate for various zoning districts and uses.

Section 10-1-0901: Sign Permits

(a) **Permit Requirements.** Each sign located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered shall require a sign permit in advance of such action, except that a sign permit shall not be required in the following circumstances:

(1) Cleaning, repair, or maintenance of a sign or sign structure.

(2) Repainting or replacing with the same sign copy.

(3) Replacement of a sign face within a previously permitted sign structure, where the sign structure was deliberately designed to allow such sign face replacement and does not require alteration as part of the replacement of the sign face.

(4) Any sign listed in Section 10-1-0901(h) as not requiring a sign permit.

(b) **Application Procedure.** Each initial application for a sign permit shall be filed with the Zoning Administrator on a form provided by that office, prior to installation of a new sign or modification of an existing sign face or sign structure. Any sign permit granted hereunder may not be assigned or transferred to any other sign or modified sign face or sign structure. The owner or tenant may include all signs at one premise under one permit. Each application shall include:

(1) The name and address of the permit applicant.

(2) Any approved Site Plan for the property, per Section 10-1-1307, or if not previously approved, a plan for the property showing, at a minimum, the location of the proposed sign; the location of all existing signs on the property; all property lines and buildings in the property; and parking areas, driveways, public roads, and buildings within 50 feet of the proposed sign.

(3) A diagram of the proposed sign, drawn to a recognized scale, and listing and depicting the type, height, width, total square footage and square footage of each sign component, method of attachment, structural support, method of illumination, and sign materials.

(4) The property's zoning designation.

(5) A summary of existing signage on the property, including quantity, location, type, and area of all signs on the property both before and after the installation of the proposed sign.

(6) Proof of payment of the appropriate sign permit fee, as established from time to time by the Village Board.

(7) Any other item of information that may be reasonably required by the Zoning Administrator for the purpose of application evaluation.

(8) Any existing or proposed sign on property abutting USH 12, STH 60, or STH 78 and within Wisconsin Department of Transportation right-of-way or setback jurisdiction shall require approval from the Wisconsin Department of Transportation.

(c) **Granting and Issuance.**

(1) The Zoning Administrator shall review the submitted application for compliance with the requirements of Section 10-1-0901(b). The application shall not be considered complete until all of the requirements of Section 10-1-0901(b) are satisfied.

(2) Upon the receipt of a complete application, in cases where the requested sign does not require an approval or recommendation from another body under another requirement of this Chapter, the Zoning Administrator shall review said application for compliance with the requirements of the remainder of this Section, and shall, in writing, approve or deny a sign permit based on the submitted application within 10 working days of the acceptance of the complete application and payment of the required fee.

(3) Upon the receipt of a complete application, and in cases where the requested sign requires an approval or recommendation from another body under another requirement of this Chapter, such as a Conditional Use Permit approval, the Zoning Administrator shall review said application for compliance with the requirements of the remainder of this Section, and shall within 10 working days of the acceptance of the complete application and payment of the required fee notify the applicant of such additional recommendation or approval and schedule the item on appropriate meeting agenda(s). Following all necessary approvals, the Zoning Administrator shall then, in writing, approve or deny a sign permit based on the submitted application and such additional body's recommendation or action within 10 working days of action by the final body with approval or recommending authority.

(4) Denial of a sign permit shall not result in total or partial reimbursement of permit fees paid.

(d) **Basis for Granting.** In deciding whether or not to grant a sign permit, the Zoning Administrator shall determine whether the proposed sign is in compliance with the provisions of this Section; whether the sign is in compliance with all provisions of the Prairie du Sac Code of Ordinances, including those related to traffic safety, traffic visibility, sign setbacks, and structural integrity; whether a Conditional Use Permit or other Village approval has or has not be granted for the sign, if such approval is required under this Chapter; and, to the extent not in conflict with any of the above factors, the recommendation of any other local governmental body or interested party.

(e) **Enforcement and Revocation.**

(1) Upon Class I notice and after a public hearing conducted by the Village Board, any permit may be revoked by the Village Board in the event that the applicant has failed to comply with the provisions of this Section or any conditions that may have accompanied the permit at the time of granting.

(2) Any sign permit granted by the Zoning Administrator shall be null and void and automatically revoked in the event that construction, installation, or manufacture of the sign has not been commenced within 180 days from the date of the issuance of such permit. If work authorized by such permit is suspended or abandoned for a period of 90 days any time after the work is commenced, the original permit shall become null and void. A new permit shall first be obtained to complete the work, and a new permit fee shall be required.

(3) The sign(s) subject to any revoked permits shall be removed by the licensee, sign owner, or property owner within 45 days of such revocation.

(4) Revocation shall not result in total or partial reimbursement of permit fees paid.

(f) **Appeals.** Any person affected by a decision of the Zoning Administrator may petition for a hearing before the Zoning Board of Appeals under the provisions of Article 13. The filing of such petition automatically stays removal of any sign involved and already legally erected until the Zoning Board of Appeals decides whether to sustain, modify or withdraw the notice.

(g) **Removal of Defective or Dangerous Signs by the Village.**

(1) If the Zoning Administrator determines that any sign exists in violation of this Section, then the Zoning Administrator shall notify the sign permit holder or the owner of the property on which the sign is located that such violation must be corrected within 10 days of receipt of such notice on penalty of automatic revocation of any sign permit previously granted and summary removal of the sign by the Village at the expense of the owner of the property.

(2) If the Zoning Administrator causes such notice to be sent and the violation is not corrected within 10 days, the Zoning Administrator shall revoke any sign permit for the defective or dangerous sign and it shall be the duty of the Zoning Administrator to remove such sign. The expense of removing such sign shall be charged to the owner of the property on which the sign is located. If the owner fails to pay such expense within one month of being billed therefore, or has not made arrangement for payment satisfactory to the Village Attorney, then such expense shall become a lien on the property and shall be placed upon the tax roll.

(3) Any sign illegally placed in a public right-of-way shall be subject to immediate removal and confiscation without notice by the Zoning Administrator.

(h) **Signs Allowed without Permit.** The following sign uses and purposes are permitted in all zoning districts without the need for a sign permit. Such signs shall not count as part of the maximum permitted sign area in the zoning district in which they are located.

(1) Address numerals and similar sign information required to identify a location by law or governmental order, rule or regulation provided that such sign does not exceed two square feet in area per officially assigned address, or the size required by any law, order, rule or regulation, whichever is greater.

(2) Architectural elements, including integral decorative or architectural elements of buildings or works of art, so long as such elements or works do not contain a commercial message, trademark, moving parts or moving lights.

(3) Auxiliary signs that are less than two square feet in area.

(4) Bulletin boards, not exceeding 12 square feet for public, philanthropic or religious institutions located on the premises of said institutions.

(5) Commemorative signs, including plaques, tablets, cornerstones, or lettering inlaid into the architectural materials of a building or structure denoting the name of that structure or its date of erection.

(6) Farm field signs, provided that no such sign exceeds eight square feet in area and eight feet in height.

(7) Flags, standards, emblems and insignia of governmental, civic, philanthropic, religious or educational organizations, less than 50 square feet in area, when not displayed in connection with a commercial promotion or as an advertising device.

(8) Historical markers, commemorative plaques, memorial tablets, or emblems of official historical bodies, not exceeding two square feet, placed flat against a building, monument stone, or other permanent surface.

(9) Holiday decorations of a primarily decorative nature, in connection with traditionally accepted civic, patriotic, or religious holidays.

(10) Interior signs located on the interior of a premise and which are primarily oriented to persons within that premise.

(11) Regulatory and government information signs that are less than or equal to 32 square feet in area except if a regulatory sign.

(12) Primary residential district signs erected on a property in a residential zoning district or serving a residential use, if not greater than 6 square feet for all lots of 1 acre or less and 9 square feet for larger lots.

(13) Required signs by State or Federal statute or regulation, provided they do not exceed 110 percent of the minimum legal size requirements.

(14) Sandwich board/pedestal signs within zoning districts specified under Section 10-1-0906 and meeting the requirements of Section 10-1-0903(f).

(15) Temporary signs, per the requirements of Section 10-1-0907.

Section 10-1-0902: General Signage Standards

The following standards and terms shall be used in this Section to assist in the establishment of clear signage regulations. The general definitions of a sign and of broad sign types are as provided in Article 1.

(a) **Sign Purposes.**

(1) Advertising Sign, Off-Premise. A sign which directs attention to a business, commodity, service, event, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is displayed. The premises shall include all lots that are contiguous, under unified single ownership, intended to remain under unified single ownership, and under the jurisdiction of this Chapter.

(2) Auxiliary Sign. An on-premise sign that provides special information such as price, menu items, hours of operation, parking rules, directions or arrows to an entrance or exit, or warnings, as opposed to primary information about the business or other principal use on the premises. . The premises shall include all lots that are contiguous, either under unified single ownership and intended to remain under unified single ownership or within a unified business park, and under the jurisdiction of this Chapter.

(3) Business Sign, On-Premise. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the premises where the sign is located. The premises shall include all lots that are contiguous, under unified single ownership, intended to remain under unified single ownership, and under the jurisdiction of this Chapter.

(4) Group Development Business Sign. A sign displaying the collective name of a group of uses defined as a Group Development under Section 10-1-0302(o), and/or the names and/or logos of individual occupants of the Group Development.

(5) Temporary Sign. A sign or advertising display (including festoons, pennants, banners, feather signs, pinwheels and similar devices) intended to be displayed for a certain limited period of time. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered as temporary. A mobile or portable sign shall not be considered a temporary sign or used for such a purpose. Refer to Section 10-1-0907 for regulations.

(b) **Sign Configurations.**

(1) Advertising Vehicle Sign. A vehicle or trailer shall be parked on public rights-of-way or on private property so as to be seen from a public right-of-way, which attached to or located thereon is any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premise. Business vehicles which contain typical business signage and which are actively used for business purposes are not considered advertising vehicle signs.

(2) Arm/Post Sign. A type of small scale freestanding sign mounted on a post or posts, either with a bracket arm extending outward to support a hanging sign, with the sign attached directly to the side of the post, or with the sign mounted between two posts.

(3) Awning Sign. A sign that is directly affixed via sewing, painting, or similar method to a non-rigid removable awning or canopy which is legally mounted to the facade of a building. Text and/or logos shall be centered on the vertical face of the lower part of a canopy and shall not project below or above the vertical canopy surface. Text and logos on an awning shall be limited to 12 inches vertically; and shall not exceed 10 percent of the awning/canopy area.

(4) Freestanding Sign. A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground. This type of sign includes arm/post signs, monument signs, and pylon signs. The sign shall not be erected so that it impedes visibility for safe pedestrian and/or vehicular circulation. The base or support(s) of freestanding signs shall be securely anchored to a concrete base or footing, except for public signs installed in public rights-of-way. The footing and related supporting structure of a freestanding sign including bolts, flanges, and brackets shall be concealed by the sign exterior and shall be landscaped per Section 10-1-0701.

(5) Marquee Sign. A sign mounted to a permanent roof-like structure that projects out from the exterior wall of a structure and shelters the entrance and/or entrance approaches to a building. Marquee signs shall be mounted parallel to the vertical surface of the marquee and not project more than 18 inches beyond vertical surface of the marquee. No part of a marquee sign shall extend beyond the top, bottom or side edges of the vertical face of the marquee surface.

(6) Mobile Sign. A sign mounted on a frame or chassis designed to be easily relocated, including vehicles and/or trailers whose principal commercial use is for signage.

(7) Monument Sign. A type of freestanding sign with a bottom edge located within one foot of a ground-mounted pedestal.

(8) On-Building Sign. A type of sign permanently affixed to an outside wall of a building.

(9) Projecting Sign. A type of on-building sign which is mounted at any angle other than parallel to the wall on which it is mounted and/or extends beyond 18 inches from the wall. Projecting signs shall not project more than 4 feet from the wall on which it is mounted. No portion of a projecting sign shall have less than 10 feet of ground clearance or extend higher than 20 feet above the ground, measured from the grade immediately below the sign.

(10) Pylon Sign. A type of freestanding sign erected upon one or more pylon, pole, or post, general of a scale that is larger than an arm/post sign.

(11) Sandwich Board/Pedestal Sign. A movable sign placed by hand outside the building while the business is open; removed at the time the business closes each day; self-supporting and stable even on windy days because of its design; and meeting all applicable size, placement, and other requirements of Section 10-1-0903(f).

(12) Wall Sign. A type of on-building sign mounted parallel to and directly on a building facade or other vertical building surface. Wall signs shall not project more than 18 inches beyond the edge of any wall or other surface to which they are mounted. The top of the sign shall not extend above the top edge of the vertical wall or above the lowest edge of a roof line of the portion of the building to which it is mounted.

(13) Window Sign. A type of sign mounted on or within an exterior window with a primary intent to advertise a business or product within the premises.

(14) Variable Message Sign (VMS). A sign which displays words, lines, logos, graphic images, or symbols; which is designed to change electronically to provide different information, and which includes

computer signs, electronic reader boards with changeable letters, LCD signs and other video display signs, and electronic time and temperature signs.

(c) **Sign Measurement.**

(1) Sign Height. The height of a freestanding sign shall be measured from the average ground level adjacent to the sign to the top of the sign or from the centerline grade of the nearest adjacent public road, if such information is supplied with the permit application and confirmed by the Zoning Administrator, whichever is higher. The average ground level is defined as the average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground. In such cases, the average elevation of the base of such berm or other area shall be considered as the ground level.

(2) Sign Area. Sign area shall be measured in the following manner:

a. In the case of an on-building sign placed within a frame, a marquee sign, or other structure, sign area consists of the entire surface area of the sign on which copy could be placed.

b. In the case of an on-building sign on which the message is fabricated together with the background which borders or frames that message, sign area shall be the total area of the entire background.

c. In the case of an on-building sign on which message is applied to a background which provides no border or frame (such as individual letters to a building face or awning), sign area shall be the combined areas of the smallest rectangle which can encompass the complete message (e.g. business name, business logo, etc.) of the sign in question.

d. In the case of a freestanding monument, arm/post, or pylon sign, sign area shall consist of the total area of the smallest rectangle that can enclose all structural elements of the sign, including the area in which copy can be placed, and all surrounding borders, decorative frames, etc. Where a freestanding sign (monument or pylon) has two or more display faces, the total area of all of the display faces which can be viewed from any single vantage point shall be considered the sign area. Freestanding sign area shall exclude any elements of the sign structure designed solely for support of the sign structure and located below or to the side of the sign elements listed above. Examples of supporting structures excluded from freestanding sign area calculations include the masonry base of a monument sign, the supporting post(s) to the side of or below an arm/post sign, or supporting pole(s) or pylons of a pylon sign.

Section 10-1-0903: General Signage Regulations

The regulations contained in this subsection apply to signs in all zoning districts.

(a) **Sign Prohibitions and Limitations.**

(1) No sign shall be erected at any location where it may, by reason of its position, wording, illumination, size, shape, color or design, interfere with, obstruct the view of, or be confused with any authorized traffic control sign, signal or device, nor shall such sign make use of any word, phrase, symbol, or character in such manner as to interfere with, mislead or confuse users of streets or highways.

(2) No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.

(3) No sign shall be erected that violates the visibility and access requirements of Section 10-1-0808, nor otherwise impede traffic or pedestrian visibility.

(4) No private sign shall be attached to or painted on any natural feature (e.g., tree or rock) except for those deliberately placed for sign purposes, fence, public utility pole, public light pole or traffic regulatory structure.

(5) No swinging, rotating, or otherwise moving signs shall be permitted.

(6) No illuminated flashing or animated signs shall be permitted. Variable message signs meeting the definition and requirements of this Section shall not be considered illuminated flashing or animated signs.

(7) No illuminated sign/bulb shall be permitted unless the illumination of the sign is so designed that the lighting element (except for neon signs) is not visible from any property within a residential zoning district.

(8) No sign shall be permitted within or extend into a public right-of-way, except as follows:

a. Governmental, public regulatory, community entryway, and public directional and wayfinding signs erected by or on behalf of a public agency.

b. Projecting, awning, marquee, and sandwich board/pedestal signs in the B-C Central Business District or as may be specifically authorized in a Specific Implementation Plan in a PUD or TND zoning district, meeting all of the applicable requirements of this Article.

c. A temporary sign under the provisions in Section if specifically approved by the Zoning Administrator prior to installation, and subject to all conditions and timeframes of such approval.

(9) No sign shall be mounted or displayed on a roof. No on-building sign shall extend above the top-most edge of the exterior wall on which it is placed.

(10) No mobile or portable signs shall be permitted. Sandwich board signs as defined and regulated in this Article shall not be considered mobile or portable signs.

(11) No inflatable signs shall be permitted.

(12) No advertising vehicle signs shall be permitted.

(13) No off-premise advertising signs shall be permitted, except for the following:

a. Governmental, community entryway, and public directional and wayfinding signs, including temporary, changeable, and variable messages on such signs and the small blue highway information signs authorized by the State of Wisconsin.

b. Temporary off-premise advertising signs, where each such sign is specifically approved by the Zoning Administrator if 32 square feet or fewer or by Site Plan approval if greater than 32 square feet, subject to the provisions in Section 10-1-0907 and all conditions of either such approval.

Existing legal off-premise advertising signs made nonconforming by this Section shall be permitted to continue as legal, nonconforming structures, subject to the requirements of Section 10-1-1203. This provision does prohibit the use of on-premise business signs allowed in Section 10-1-0906 (f) that are accessory to established on-premise principal uses for constitutionally protected free speech provided all messages are in accordance with the time, place, and manner requirements of this Article and other provisions of this Chapter, the Village Code of Ordinances, and other applicable laws.

(b) **Sign Location Requirements.**

(1) Setbacks. The permitted locations and setbacks of all other freestanding signs shall be as indicated in this Section. Sign setback shall be the shortest distance between the vertical plane extending from the

property line (or other basis for the setback point) to the nearest structural element of the sign, whether said sign element is attached to the ground or suspended above ground.

(2) Minimum Ground Clearance. All pylon signs, projecting, marquee and awning signs shall have a minimum clearance from grade of 8 feet to the bottom of the sign and shall not project into any vehicle circulation area, beyond and public street curb line, or beyond any public street pavement edge if no curb is present.

(c) **Variable Message Signs (VMS).**

(1) Allowable Districts and Land Uses. No VMS shall be allowed within any agricultural zoning district, any residential district, the CON Conservancy District, the B-N Neighborhood Business District, or the B-C Central Business District, or for any residential or any "institutional residential" use regardless of zoning district.

(2) Length of Cycle. Messages and non-text images shall not change appearance more than once every 10 seconds and transitions between messages shall be via instantaneous change. Use of variable message signs for images, text, or lighting that change appearance in a manner not permitted above shall be considered prohibited flashing or animated signs. No scrolling messages are permitted.

(3) Brightness Adjustment. All VMS shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination. Light output shall not exceed that allowed under Section 10-1-0811.

(4) Dimensions. The illuminated or message display area of the VMS is subject to the same height and area requirements as other on-premise business signs in the zoning district. All variable message signs shall be included in the calculation of total permitted sign area for the type of on-premise business sign (wall or freestanding) and the zoning district in which the sign is located.

(5) Maintenance. All VMS shall be maintained so as to be able to display messages in a complete and legible manner.

(6) Location. In addition to standard setback requirements for the applicable sign type, no VMS shall be positioned to be visible from any permitted residential use unless at least 100 feet from said use, or a lesser distance if approved by conditional use permit.

(d) **Window Signs.**

(1) Area. The total of all signs in the window area, including temporary and permanently mounted signs, shall not exceed 25 percent of the window area. For any business using no other signs than a permanent window sign, the amount of permanent and temporary window sign area may be increased to 35 percent of the window area.

(2) Installation. Window signs shall be confined within the transparent glazed area of the window and shall not encroach upon the frame, mullions, or other supporting features of the glass. All permanent window signs that have their lettering or graphic elements directly on the glazing shall be painted, metal leafed, vinyl transferred, or in some other manner permanently applied to the exterior building window or door.

(3) Maintenance. All window signs shall be maintained so as to be able to display messages in a complete and legible manner.

(4) Location. No permanent sign meeting the definition of a window sign shall be allowed on residentially zoned property.

(5) Area Calculations. The area or window signs shall be calculated in the same manner as other on-building signs, and shall count against the maximum number and area for on-building business signs as specified in Section 10-1-0906(f).

(e) **Sandwich Board/Pedestal Signs.**

(1) There shall be a maximum of one sandwich board/pedestal sign per business.

(2) Height shall not exceed five feet (as measured when such sign is properly placed directly on the ground or sidewalk surface), width shall not exceed three feet, and sign area shall not exceed six square feet per side.

(3) All sandwich board/pedestal signs shall be designed to be self-supporting and in such a manner to withstand the elements, including the ability to remain upright on windy days.

(4) No sandwich board/pedestal sign shall be illuminated in any manner (except via cordless power for not more than 30 days in any calendar year), have more than two sides, be placed off-premise (except where allowed on a sidewalk immediately adjacent to the business lot to which it relates), or be designed to resemble a public regulatory sign (such as a stop sign).

(5) All sandwich board/pedestal signs shall be placed directly on paved surface or walkway surface.

(6) No sandwich board/pedestal sign shall be placed in a required a required landscape or green space area, including parking lot perimeter landscape areas between property lines and parking areas.

(7) No sandwich board/pedestal sign shall be placed on a public sidewalk or shall otherwise extend onto or into a public right-of-way, except that within the B-C district or as may be specifically authorized in a Specific Implementation Plan in a PUD or TND zoning district, a sandwich board/ pedestal sign may be placed within the public sidewalk or otherwise between the front of the building and the curb, provided that:

a. There is not adequate space available on the premises to place the sign on private property in a manner that is visible to the public.

b. The sign is placed directly in front of the business to which it is related.

c. No part of the sign is any closer than three feet from the face of the curb.

d. A minimum of four feet in width of unobstructed travel way remains available in all directions on the sidewalk at all times

(8) Placement of all sandwich board/pedestal signs shall meet all intersection visibility requirements in Section 10-1-0808, and shall otherwise not impede traffic visibility in the determination of the Zoning Administrator. This may require relocation and/or adjustments to height or design.

(9) All sandwich board/pedestal signs must be kept in good condition, as determined by the Zoning Administrator and per the maintenance requirements of Section 10-1-0909.

(10) Sandwich board/pedestal signs shall not count against the maximum area or number of on-premise business signs allowed per Section 10-1-0906(f)

(11) Except where placed within the public right-of-way, sandwich board/pedestal signs that meet the requirements of this Chapter may be used without the need for a sign permit.

(12) All sandwich board/pedestal signs within the DO Downtown Overlay District shall meet the color, material, and illumination requirements of Section 10-1-0906(f)(3)c-e.

<u>Section 10-1-0904: Regulations for Residential Zoning Districts</u>

In residential zoning districts listed in Section 10-1-0201, signage shall be permitted per the requirements of Section 10-1-0900 through Section 10-1-0903, Section 10-1-0906 through Section 10-1-0909, and the following:

(a) **Primary Residential District Sign.**

(1) For Single-Family and Two-Family principal uses:

a. Permitted Sign Type: Wall Sign, Arm/post Sign, or Monument Sign.

b. Maximum Permitted Number per Lot: One.

c. Maximum Permitted Area per Sign: 6 square feet for all lots of 1 acre or less; 9 square feet for larger lots.

(2) For multiple-family residences, residential subdivisions as a whole, institutional uses, or Community Garden land uses:

a. Permitted Sign Type: Wall Sign, Arm/post Sign, or Monument Sign.

b. Maximum Permitted Number: One per public street or driveway entrance, up to a maximum of 3 per lot.

c. Maximum Permitted Area per Sign: 32 square feet.

(3) Minimum Setback: 3 feet from all property lines.

(b) **Auxiliary Sign.**

(1) Permitted Sign Type: Wall Sign, Freestanding Sign.

(2) Maximum Permitted Number per Lot: The greater of one per vehicular entrance or exit or 2 total; more if allowed by Site Plan approval.

(3) Maximum Permitted Area per Sign: 2 square feet.

(4) Minimum Setback: 3 feet from all property lines.

(c) **Temporary Sign.** Temporary signs are allowed per the requirements of Section 10-1-0907.

(d) **On-Premise Business Sign.** For legal, non-conforming businesses only, signs shall comply with the provisions for signs applicable to the B-N Neighborhood Businesses District.

Section 10-1-0905: Signage for Residential Uses in Non-Residential Districts

Regardless of zoning district, signage for all principal residential land uses within non-residential zoning districts shall comply with provisions of Section 10-1-0904.

Section 10-1-0906: Regulations for Non-Residential Zoning Districts

Except for residential uses within non-residential zoning districts (see Section 10-1-0905), signage within non-residential zoning districts shall be permitted per the requirements of Section 10-1-0900 through Section 10-1-0903; Section 10-1-0906 through Section 10-1-0910; and per the following:

(a) **Auxiliary Signs.**

(1) Permitted Sign Type: Wall Sign or Freestanding Sign.

(2) Maximum Permitted Number per Lot: One per each vehicular entrance/exit, or more per an approved Site Plan.

(3) Maximum Permitted Area per Sign: Combined area of all auxiliary signs on any lot shall not exceed 50 percent of the permitted freestanding or on-building business sign area for the lot, whichever is greater.

(4) Minimum Setback: For freestanding auxiliary sign, same as for other freestanding signs in district.

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(5) On-Premise Group Directional Signs. Within Group Developments as defined in Section 10-1-0302(o) or in large business or institutional developments in which two or more separate establishments, agencies, and/or use areas occupy different buildings or occupy the same building but are accessed from a different driveways, parking areas and/or sides of a building; on-premise directional signage may be combined on a monument sign in accordance with Subsections a. through e. below. Examples of eligible uses include multi-agency institutional buildings with separate building entrances and parking areas, hospitals with separate entrances or vehicle accommodation areas for distinctive functions (emergency rooms, visitor parking, clinics, etc.) or campuses with multiple buildings, sites or business parks with multiple, individual businesses and large business or manufacturing principal structures with separate use area entrances (e.g., customer, employees, and/or shipping).

a. Permitted Sign Type: Wall, monument, or arm/post.

b. Maximum Number per Lot: One, or as otherwise specified on an approved Site Plan.

c. Maximum Permitted Sign Area: 5 square feet per establishment/agency/entrance. Area allowance shall not be combined and allotted in a manner that allows the directional sign for a specific destination to exceed 5 square feet in area. Maximum total area per freestanding group directional sign shall be 50 square feet.

d. Maximum Height: 8 feet.

e. Minimum Setback from Property Lines: The greater of actual sign height or 3 feet.

(b) **Sandwich Board/Pedestal Signs.** Sandwich Board/Pedestal Signs are allowed per the requirements of Section 10-1-0903 (f).

(c) **Temporary Signs.** Temporary signs are allowed per the requirements of Section 10-1-0907.

(d) **On-Premise Business Signs.** (Also see Figure 10-1-0906).

(1) For the A-P Agricultural Preservation, A-H Agricultural Holding, A-T Agricultural Transition and CON Conservancy Districts.

a. Permitted Sign Type: On-Building (Wall) Sign.

1. Maximum Permitted Number per Lot: One.

2. Maximum Permitted Area: 48 square feet, or 1 square foot of signage for every linear foot of exposed exterior wall length on that supporting wall to a maximum of 100 square feet, whichever is greater.

b. Permitted Sign Type: Freestanding (Monument or Arm/Post Only) Sign.

1. Maximum Permitted Number per Lot: One.

2. Maximum Permitted Area per Sign: 32 square feet for all combined sign faces seen from a single vantage point, except by conditional use permit.

3. Maximum Permitted Sign Height: 8 feet, except by conditional use permit.

4. Minimum Permitted Sign Setback from All Property Lines: 3 feet.

(2) For the I-1 Institutional District.

a. Signage for "Passive Outdoor Public Recreation", "Active Outdoor Public Recreation", "Institutional Residential" and "Community Living Arrangement" land uses as defined in Section 10-1-0310(c) shall comply with the sign provisions of Section 10-1-0904.

b. Signage for all other institutional land uses not listed in Subsection (2)(a) above in principal structures with a combined total Gross Floor Area less than 20,000 square feet shall comply with the general provisions for non-residential signs in Section 10-1-0906 (a)-(e) and with the provisions for on-premise business signs associated with the B-N Neighborhood Business District in Section 10-1-0906 (f)(4).

c. Signage for all other institutional land uses not listed in Subsection (2)(a) above in principal structures with a total Gross Floor Area of 20,000 square feet or more shall comply with the general provisions for non-residential signs in Section 10-1-0906(a)-(e) and with the provisions for on-premise business signs associated with the O-R Office and Research District in Section 10-1-0906(f)(5).

d. On August 16, 2013, the Village and the Sauk Prairie Memorial Hospital recorded restrictions for signage over certain I-1 zoned lands and surrounding territory within the following 2013 tax parcels: 028-0018-00000, 028-0020-00000, 028-0020-10000, 172-0803-23000. Such sign restrictions, available upon request from the Zoning Administrator, apply unique sign regulations over the land covered by these 2013 tax parcels.

(3) For B-C Central Business District. In order to maintain the historic character of Prairie du Sac's downtown, unique sign standards addressing size, color, material, and illumination for the B-C Central Business District are as follows:

a. Permitted Sign Type: On-Building (Wall, Awning, Marquee or Projecting) Sign.

1. Maximum Permitted Sign Area Per Signable Wall: On front exterior wall, 2 square feet of on-building business sign area per linear foot of exterior length of that wall, up to a maximum of 100 square feet per business. On each other signable wall, 1 square foot of on-building business sign area for every one linear foot of length of that wall, up to a maximum of 50 square feet per business. The maximum allowable number of on-building business signs per exterior wall shall not be transferable to another signable wall. In multitenant buildings, the building owner(s) shall be responsible for allocation of the signable wall area for wall signs.

2. Maximum number of on-building signs per Business: Up to 2 on-building signs per business establishment on a front wall, plus a total of one on-building sign per business establishment on any other signable wall.

3. Maximum Number of Projecting Signs or Marquee Signs per Building: 1 projecting or marquee sign per signable wall, regardless of the number of business establishments in the building. This limitation does not apply to awnings.

4. Projecting, marquee, awning, and permanent window signs shall be included in calculations of maximum allowable on-building sign area and number per signable wall.

5. Permitted Location: On any signable wall visible from a public street, except signable walls which are adjacent to a residentially zoned property. On-building mounted signs shall not be located on any portion of upper stories. The location of signs shall be integrated with, and not cover, architectural elements and details.

b. Permitted Sign Type: Freestanding (Monument or Arm/Post) Sign.

1. Maximum Permitted Number per Lot: One per lot regardless of number of businesses establishments on the lot.

2. Maximum Permitted Area Per Sign: 42 square feet for all combined sign faces seen from a single vantage point.
3. Maximum Permitted Sign Height: 8 feet.
4. Minimum Permitted Sign Setback from All Property Lines: 1 foot.

c. Permitted Sign Colors. Color combination schemes shall be limited to no more than four different colors. Varying shades, tints or intensities of a color shall not count as a different color for this purpose. Color schemes and lettering styles shall be used consistently on all signage throughout the property. Fluorescent, "day glow," "neon," and other similarly intense colors shall not be permitted. Where such colors constitute a component of a standardized corporate theme or identity, muted versions of such colors shall be used.

d. Permitted Sign Materials. Permitted sign materials include wood, brass, metal leaf, metal plates, canvas or related fabric, etched glass, stone or concrete; high-quality, textured, low reflectant plastic may be allowed, but internally illuminated plastic signs are not permitted; and high gloss paints, lacquers, varnishes or other "shiny" non-glazing surfaces, including smooth plastics and related materials shall not be used.

e. Permitted Sign Illumination. Illumination of exterior signage shall be limited to direct illumination from a shielded exterior light source or internally illuminated signs that illuminate individual letters but not other sign surfaces. The lighting element of all such fixtures shall not be visible from public rights-of-way or adjoining properties. Other internally illuminated signs, including illuminated awnings with or without messages, are not permitted in the B-C District, including neon and related illumination systems.

(4) For the B-N Neighborhood Business District.

a. Permitted Sign Type: On-Building (Wall, Awning, Marquees or Projecting) Sign.

1. Maximum Permitted Area: 1 square foot of on-building sign area per 1 linear foot of exterior length of each signable wall, up to a maximum 50 square feet per business per signable wall. For buildings with multiple tenants, the building owner(s) shall be responsible for assignment of allowable sign area to individual businesses within the building.
2. Maximum Permitted Number. 1 on-building sign per signable wall per business.
3. Permitted Location: On any signable wall visible from a public street, except signable walls which are adjacent to a residentially zoned property. On-building signs shall not be located on any portion of upper stories. Sign placement shall be integrated with, and not cover, architectural elements and details

b. Permitted Sign Type: Freestanding (Monument or Arm/Post) Sign.

1. Maximum Permitted Number per Lot: 1 per lot.
2. Maximum Permitted Area Per Sign: 50 square feet for all combined sign faces seen at one time.
3. Maximum Permitted Sign Height: 8 feet.
4. Minimum Permitted Sign Setback from All Property Lines: 3 feet.

(5) For the O-R Office and Research, B-R Rural Business, and AIR Airport Zoning Districts.

a. Permitted Sign Type: On-Building (Wall, Awning, or Marquee) Sign.

1. Maximum Permitted Area per Sign: 1 square foot of on-building signage for every one linear foot of exterior length on each signable wall, with a maximum sign area per signable wall not

to exceed 150 square feet. For buildings with multiple tenants, the building owner(s) shall be responsible for assignment of allowable sign area to individual businesses within the building.

2. Maximum Permitted Number. 1 on-building sign per signable wall per business.

3. Permitted Location: On any signable wall visible from a public street, except signable walls which are adjacent to a residentially zoned property. Sign placement shall be integrated with, and not cover, architectural elements and details.

b. Permitted Sign Type: Freestanding (Monument or Arm/Post) Sign.

1. Maximum Permitted Number per Lot: 1 per lot. A second freestanding sign is allowed for lots with street frontage of at least 500 feet along such street.

2. Maximum Permitted Area per Sign: 64 square feet for all combined sign faces seen at one time.

3. Maximum Permitted Sign Height: 10 feet

4. Minimum Permitted Sign Setback from All Property Lines: 3 feet

c. Permitted Sign Type: Freestanding Group Development Sign.

1. Group Development Signs shall only be allowed in Group Developments with a combined total gross square footage greater than 20,000 square feet and meeting the definition within Section 10-1-0302(o), and subject to the other requirements of this Subsection (c).

2. Freestanding Group Development Signs shall be allowed in Group Developments meeting the definition within Section 10-1-0302(o), in addition to freestanding business signs for individual establishments allowed under Subsection (b) above.

3. Maximum Permitted Area: 50 square feet per business or establishment on the Group Development site, to a maximum area of 200 square feet per freestanding group sign regardless of the number of business establishments located within the Group Development. The property owner(s) shall be responsible for apportionment of allowable freestanding business sign area to individual businesses or establishments within the Group Development.

4. Maximum Permitted Number per Group Development: 1 per Group Development. A second freestanding Group Development sign shall be allowed for non-residential Group Developments on sites greater than 10 acres. Additional group development signs may be allowed for developments occupying greater than 50 acres with site plan approval under Section 10-1-1307. Such approval may be accompanied by a limit on the area and/or number of freestanding signs within the development below normal ordinance maximums.

5. Maximum Permitted Sign Height: 20 feet.

6. Minimum Permitted Sign Setback from All Property Lines: Equal to Sign Height

(6) For the B-H Highway Business, M-L Light Manufacturing District, and M-G General Manufacturing Zoning Districts.

a. Permitted Sign Type: On-Building (Wall, Marquee or Awning) Sign.

1. Maximum Permitted Area per Sign: 1 square foot of on-building signage for every one linear foot of exterior length of each signable wall, not to exceed a maximum total sign area of 300 square per signable wall. For buildings with multiple tenants, the building owner(s) shall be

responsible for assignment of allowable sign area to individual businesses within the building.

2. Maximum Permitted Number per Lot: 1 on-building sign per signable wall per individual business or establishment on the lot.

3. Permitted Location: On any signable wall visible from a public street, except signable walls which are adjacent to a residentially zoned property.

b. Permitted Sign Type: Freestanding (Monument or Pylon) Sign.

1. Maximum Permitted Area per Sign: 64 square feet for all combined sign faces seen at one time.

2. Maximum Permitted Number per Lot: 1 per public street frontage per zoning lot. A second freestanding sign is allowed for lots with more than 1 street frontage of at least 200 feet per all such streets.

3. Maximum Permitted Sign Height: 10 feet for Monument; 20 feet for Pylon.

4. Minimum Permitted Sign Setback from All Property Lines: Equal to Sign Height.

c. Permitted Sign Type: Freestanding Group Development Sign > 64 square feet.

1. Group Development Signs exceeding 64 square feet in area shall only be allowed in Group Developments with a combined total Gross Floor Area greater than 20,000 square feet and meeting the definitions in 10-1-0302(o), subject to the other requirements of this Subsection.

2. Freestanding Group Development Signs shall be allowed only in lieu of and not in addition to freestanding signs for individual establishments allowed under Subsection (b) above, and any existing or subsequent freestanding sign shall count against the maximum number of freestanding Group Development Signs allowed for the property or site.

3. Maximum Permitted Area per Sign: 50 square feet per business or establishment on the Group Development site, to a maximum area of 200 square feet per freestanding Group Development Sign regardless of the number of business establishments located within the development. The property owner(s) shall be responsible for apportionment of allowable freestanding business sign area to individual businesses or establishments within the Group Development.

4. Maximum Permitted Number per Group Development: 1 per Group Development. A second freestanding Group Development sign shall be allowed for non-residential Group Developments on sites greater than 5 acres.

5. Maximum Permitted Sign Height: 20 feet.

6. Minimum Permitted Sign Setback from All Property Lines: Equal to sign height.

(7) For PUD Zoning Districts. Permitted sign types, number, area, location and other characteristics shall be per an approved final Specific Improvement Plan per Article 10. Only signage included or referenced within an approved Specific Implementation Plan for a planned unit development project, or an amendment thereto, shall be located within that PUD.

(8) For TND Zoning Districts. Permitted sign types, number, area, location and other characteristics shall be per an approved final Specific Implementation Plan per Article 11. Unless otherwise addressed in the Specific Implementation Plan, the types, number, area, location, and other characteristics of allowable signs on individual lots approved exclusively for residential use shall be those for corresponding type of residential uses in other districts in Section 10-1-0904. For non-residential uses, only signage included or referenced within an approved final Specific

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Implementation Plan or otherwise specifically addressed in the Specific Implementation Plan approval documents, or an amendment thereto, shall be located on any site or lot within the TND. Any sign erected after to approval which was not specifically reviewed and approved as part of the Specific Implementation Plan, but instead allowed under the development agreement with the Village per Article 11 shall be subject to the permit requirements of Section 10-1-0901.

Figure 10-1-0906: SUMMARY of Maximum Dimensions and Number of On-Premise Business Signs (Non-Residential Districts and Uses)

Zoning District	Maximum Sign Area and Height		Maximum Number of Signs
	On-Building	Freestanding	
A-P A-H A-T CON	Wall Only: 48 sf, or 1 sf of sign area per 1 foot of exterior wall length on that wall to a max. of 100 ft, whichever is greater	Monument or Arm/Post Only: Maximum Area: 32 sf, except by CUP Max Height: 8 ft, except by CUP	1 on-building sign and 1 freestanding sign
I-1 (and institutional uses in Non Residential Districts)	For "Passive Outdoor Public Recreation", "Active Outdoor Public Recreation", "Institutional Residential" and "Community Living Arrangement" uses, comply with the signage requirements for group residential developments of Section 10-1-0904. For all other institutional uses: Each institutional use with a combined total Gross Floor Area of less than 20,000 sf shall comply with Section 10-1-0906(a)-(e) and the B-N District sign requirements. Each institutional use with a combined total Gross Floor Area of 20,000 sf or more shall comply with Section 10-1-0905(c)(1)-(4) and the O-R District signage requirements.		
B-C	Wall, Awning, Marquee, or Projecting Front wall: 2 sf per linear foot of exterior wall on that wall, Maximum: 100 sf per business Other signable wall: 1 sf per linear foot of exterior wall on that wall, maximum 50 sf per business	Monument or Arm/Post Only: Maximum Area: 42 sf Max Height: 8 ft	2 on-building signs per business; 1 projecting or marquee sign per signable wall; 1 freestanding sign per lot
B-N	Wall, Awning, or Projecting 1 sf of sign area per linear foot of wall length on that wall, maximum 50 sf per business per signable wall.	Monument or Arm/Post Only: Maximum Area: 50 sf Max Height: 8 ft	1 on-building wall sign per signable wall per business; 1 monument or arm/post sign per lot
O-R B-R AIR	Wall, Awning, or Projecting 1 sf of sign area per 1 linear foot of wall length on that wall, maximum 150 square feet per signable wall.	Monument or Arm/Post only: Maximum Area 64 sf Max Height: 10 ft	1 on-building per signable wall sign per business; 1 monument or arm/post sign per lot except as provided in Section 10-1-0906(f)(5)b
B-H M-L M-G	Wall, Marquee, or Awning, 1 sf of sign area per linear foot of wall length on that wall, maximum 300 sf. per signable wall.	Monument or Pylon: Maximum Area: 64 sf Max Height: 10 ft Monument; 20 ft Pylon	1 on-building sign per signable wall per business, 1 pylon or monument sign per lot; except as provided in Section 10-1-0906 (f)(6)b
NOTE: This table is only a summary of the sign regulations applicable to nonresidential districts and uses. Section 10-1-0906 contains more detailed and specific requirements, including allowances for other signs in these districts under certain circumstances. In the event of any conflict, Section 10-1-0906 controls.			

Section 10-1-0907: Temporary Signs

(a) **Normal Requirements for Temporary Signs.** Temporary signs may be erected without a sign permit, subject to the following provisions:

(1) Any one business, residence, or other principal use on a lot is permitted to display no more than one temporary on-premise sign at a single time, except that number shall be increased to the indicated number in the following circumstances:

a. Two, for construction sites where a building permit has been issued where required under the Building Code, to be removed within 14 days following construction.

b. Two, when there is a garage sale, community event, and other permitted temporary event unrelated to an on-going business operation, with such signs installed and removed within one day of the sale or event.

c. There is no limit on the number of temporary window signs, and temporary window signs shall not count against the maximums in this subsection (1). Window coverage of all temporary and permanently mounted window signs shall not exceed the percentage in Section 10-1-0903(d)(1).

d. As otherwise allowed by state or federal law.

(2) All temporary signs shall be anchored and supported in a manner which reasonably prevents the possibility of the signs becoming hazards to the public health and safety.

(3) A mobile, portable, or advertising vehicle sign is not a permitted temporary or permanent sign.

(4) Except where specifically approved by the Zoning Administrator, no temporary sign may be placed in or over any public right-of-way. Where the Zoning Administrator approves a sign location in the public right-of-way, he or she may require the sponsoring person, firm, organization, or corporation to provide a certificate of liability insurance in an amount specified by the Zoning Administrator based on the degree of public liability the sign installation creates. All liability policies shall name the Village as an "additional insured."

(5) Each temporary sign shall be removed within 14 days of the activity, event, sale, or lease that it promotes, except where otherwise indicated in this Section or under state or federal law.

(6) Except where exempted by state or federal law, temporary signs shall not exceed 12 square feet area and six feet in height in residential districts in non-construction situations,48 square feet in area and eight feet in height in nonresidential districts in non-construction situations, and 96 square feet on construction sites except that construction signs associated with construction of each individual single family residence may not exceed 24 square feet.

(b) **Alternative Approach to Temporary Signs.** In the event that the requirements of subsection (a) present restrictions on temporary signage that a property owner or business operator finds particularly difficult to implement, such owner/operator may request that the Village waive or alter one or more temporary sign requirements of that subsection. The process to make such a request for alteration or waiver shall be through the Site Plan approval process specified under Section 10-1-1307. The materials submitted with the application for Site Plan approval shall indicate and illustrate the particular requirement(s) that the applicant desires to see waived and modified, the details of the proposed temporary signage and all other signage on the property, and the proposed signage location(s) on a professionally-prepared, scaled set of building elevations and/or site plan. Conditions of Site Plan approval may limit the type, size, location, number, appearance, materials, lighting, and other aspects of signage in a manner that differs from the applicant's request, and may limit the number, type, size, or locations of other types and locations of signs that are normally allowed under this Article.

Section 10-1-0908: Structural Requirements

(a) All signs shall be constructed and mounted so as to comply with State Building Codes.

(b) No sign or any part thereof, or anchor, brace, or guide rod shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe.

(c) No sign or any part thereof, or anchor, brace or guide rod shall he attached, erected, or maintained which may cover or obstruct any door, doorway, or window of any building which may hinder or prevent ingress or egress through such door, doorway, or window, or which may hinder or prevent the raising or placing of ladders against such building in the event of fire.

(d) All signs shall in no instance create a traffic visibility or other safety hazard.

(e) All signs shall be designed and constructed to withstand winds during typical Wisconsin storm events.

(f) Except for governmental signs and signs for single-family residential uses, all freestanding signs over 10 feet in height shall have footings for support of such sign which extend not less than 42 inches below the existing ground level.

(g) No sign attached to buildings which is permitted to project away from the building wall shall be designed and constructed in which the attachment to such wall extends above a point of bearing with the roof rafters.

(h) No illuminated sign shall be erected at any location which is not designed and constructed to meet the following requirements:

(1) All signs shall be constructed and maintained to conform with State Electrical Codes and shall bear UL labels. All sign permit applications in which electrical wiring and connections are proposed shall be submitted to the Electrical Inspector. The Electrical Inspector shall examine the plans and specifications submitted for the proposed sign and may require additional information relating to the proposed electrical installation from the applicant. If the Electrical Inspector determines that the proposed installation complies with local ordinances relating to the electrical wiring and construction, then the Electrical Inspector shall approve the application and submit the approved application to the Zoning Administrator. The Zoning Administrator may not approve a sign permit application for an illuminated sign unless and until approval is received from the Electrical Inspector.

(2) Unless an illuminated sign bears the label of approval of a recognized testing laboratory, all illuminated signs shall be inspected and approved by the Electrical Inspector on the site prior to the erection of the sign. No illuminated sign, despite issuance of the sign permit, shall be erected until the site inspection has been made or waived by the Electrical Inspector and the sign permit initialed or stamped to show the Electrical Inspector's approval.

(3) All illuminated signs shall he equipped with a watertight safety switch, located where electric current enters the sign. All parts covering service openings to the electrical supply shall he securely fastened.

(4) No illuminated sign shall be connected to an electric power source except by an electrical contractor, unless the only connection to the electric power source is through a grounded three-prong heavy duty plug.

(5) All freestanding illuminated signs shall be supplied power only by underground wiring.

Section 10-1-0909: Maintenance Requirements

(a) All signs and structures appurtenant thereto shall be maintained in a neat and proper state of appearance.

(b) Proper maintenance shall be the absence of loose materials (including peeling paint, paper or other material), the lack of excessive rust, the lack of excessive vibration or shaking, and the presence of the

original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.

(c) The repainting, changing of parts, and preventive maintenance of signs which completely conform to the requirements of this Section, and result in absolutely no change in the appearance of the sign from that originally approved, shall not be deemed alterations requiring a sign permit.

(d) The owner, lessee, or manager of a sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is located.

(e) The base of signs shall be landscaped so as to conceal footings, mountings, brackets, and related structural elements.

(f) A sign which is improperly maintained or is abandoned or is unsafe or otherwise exists in violation of this Chapter shall be removed by the sign permit holder or the owner of the property on which the sign is located within 14 days from the date of disrepair, abandonment, or unsafe condition, or less if the sign permit holder or owner receives actual notice from the Zoning Administrator of the problem, per the requirements of Section 10-1-0901(e).

Section 10-1-0910: Nonconforming Signs

(a) **General Provisions Regarding Nonconforming Signs.**

(1) Signs lawfully existing at the time of the adoption or amendment of this Article may be continued although the use, size, or location does not conform with the provisions of this Article. However, it shall be deemed a nonconforming use or structure; and the provisions of Section 10-1-1203 shall apply. Nonconforming signs may be maintained. No nonconforming on-premise sign shall be altered or moved to a new location without being brought into compliance with the requirements of this Article. Refer also to Section 10-1-0910 (b), below.

(2) Business signs on the premises of a nonconforming use or building may be continued, but new signs for such uses shall not be allowed, nor shall expand in number, area, height, or illumination. New signs, not to exceed the maximum allowable sign areas under this Article, may be erected only upon the complete removal of all other signs existing at the time of adoption of this Article.

(3) Nonconforming signs shall be removed when the principal structure located on the premises undergoes a change of use, or shall be removed per Section 10-1-0910 (b). Closing businesses must remove their building signs and freestanding sign faces within 60 days of closing, or sooner if the Zoning Administrator determines that the signs do not meet the maintenance requirements of Section 10-1-0909.

(4) Signage not in compliance with the provisions of this Article shall be subject to the provisions of Section 10-1-0910 (b).

(5) Whenever there is a change in the sign user (excluding off-premise signs), no new sign permit is required unless there is modification of the sign face or sign structure. The sign will continue to be considered nonconforming.

(b) **Removal of Nonconforming Signs.**

(1) Alteration of Signs.

a. For the purpose of this Article, alteration of a sign is considered to be any change to the exterior appearance of any part of the sign, its frame, its supporting structure, or its lighting including changing the message (except for marquee, community information, or preexisting off-premise

advertising signs), symbols, color, material, height, location, or any other alterations as determined by the Zoning Administrator.

b. Altering a sign does not include maintaining the existing appearance of the sign; replacing the sign face or the supporting structure with identical materials, colors, and messages; changing the message of a marquee or community information sign; or changing the face of an off-premise advertising sign.

c. A tenant sign which comprises part of a Group Development sign may be replaced to accommodate a new tenant sign without triggering the need to bring the entire Group Development sign, or any of its parts, into compliance with the provisions of this Article.

(2) All non-conforming signs found not to be in compliance with the provisions of this Article shall be removed within 30 days of receiving written notice of noncompliance and removal from the Zoning Administrator, except as otherwise provided for in Section 10-1-0901(f).

(3) The penalties of the Village of Prairie du Sac Zoning Code or Building Code may be applicable to violations of the provisions of this Article.

ARTICLE 10: PUD PLANNED UNIT DEVELOPMENT DISTRICT

Section 10-1-1000: Purpose

The PUD Planned Unit Development district is established to encourage, promote and provide improved environmental design by allowing for greater freedom, imagination and flexibility in the development of land, while ensuring substantial compliance with the basic intent of this Chapter and the Comprehensive Plan. To this end, the PUD District allows diversification and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with regard to public services and to encourage and facilitate preservation of open land. The PUD District is not intended to circumvent the intent of other zoning districts or this Chapter.

Section 10-1-1001: Allowable Uses in a PUD District

Any principal or accessory use permitted by right or allowed as a conditional use in any of the other Standard and Overlay Zoning Districts of this Chapter may be permitted in the PUD District, subject to the criteria as established in Section 10-1-1004 below; and provided such uses are expressly identified in the approved and recorded Specific Implementation Plan associated with the particular development, and the General Development Plan. Any uses not identified in the Specific Implementation Plan, the General Development Plan, or both as being allowed uses shall be construed as being prohibited in the PUD District.

Section 10-1-1002: PUD Density, Intensity, Bulk and Design Requirements

(a) **Flexibility.** In the PUD District there shall be no predetermined specific lot area, lot width, height, floor area ratio, yard and other dimensional and usable open space requirements, off-street parking requirements, landscaping requirements, lighting requirements, signage requirements, and building and site design requirements; but such requirements shall be made a part of an approved and recorded Specific Implementation Plan and shall be, along with the General Development Plan, construed to be and enforced as part of this Chapter. In the event that such requirements are not, in the determination of the Zoning Administrator, adequately specified in an approved Specific Implementation Plan, the requirements of this Chapter in the affected categorical areas shall prevail.

(b) **Design Standards.** Development within the PUD District shall achieve excellence in the design of the built environment; shall generally exceed site, building, landscape, lighting, signage, and other aesthetic standards of this Chapter; and shall conform with the design standards applicable to the type of development or geographic area as included in the Comprehensive Plan or other adopted Village design guidelines.

(c) **Off-Street Parking.** In the PUD District, the Village shall be guided by the principles set forth in Section 10-1-0809 of the Code and the minimum parking space requirements for individual land uses in Article 3 of this Chapter, but shall have the flexibility to establish specific parking requirements for the PUD District that deviate therefrom; provided the best interests of the Village are promoted thereby. Such requirements so established shall be made a part of the approved recorded Specific Implementation Plan and shall be, along with the General Development Plan, construed to be and enforced as a part of this Chapter. In the event that such requirements are not, in the determination of the Village Administrator, adequately specified in an approved Specific Implementation Plan, the requirements of this Chapter in the affected categorical areas shall prevail.

(d) **Landscaping Standards.** In no case shall a PUD be exempt from the Overlay Zoning District requirements of this Chapter pertaining to floodplains, shorelands-wetlands, and wellhead protection. For landscaping standards, the Village shall be guided by the principles set forth in Article 7, but shall have the flexibility to establish specific landscape and open space requirements that deviate therefrom;

provided the best interests of the Village are promoted thereby. Such requirements so established shall be made part of the approved recorded Specific Implementation Plan and shall be, along with the General Development Plan, construed to be and enforced as a part of this Chapter. In the event that such requirements are not, in the determination of the Village Administrator, adequately specified in an approved Specific Implementation Plan, the requirements of this Chapter in the affected categorical areas shall prevail.

(e) **Performance Standards and Signage.** In the PUD District, the Village shall be guided by the principles set forth in Article 8: Performance Standards, and Article 9: Sign Regulations, but shall have the flexibility to establish specific requirements for the PUD District that deviate there from; provided the best interests of the Village are promoted thereby and that said deviations do not violate federal or state requirements. Specific PUD requirements so established shall be made a part of the approved and recorded Specific Implementation Plan and shall be, along with the General Development Plan, construed to be and enforced as a part of this Chapter. In the event that such requirements are not, in the determination of the Village Administrator, adequately specified in an approved Specific Implementation Plan, the requirements of this Code in the affected categorical areas shall prevail.

(f) **Land Division.** Any land division in a proposed PUD District shall comply with Title 10, Chapter 3 of this Municipal Code.

Section 10-1-1003: Procedural Requirements for the Planned Unit Development District

(a) **Pre-application Conference.** Prior to the official submission of a petition for the approval of a PUD District, the owner or the owner's agent shall meet with the Village Administrator to discuss the scope and proposed nature of the contemplated development, who may, at his or her discretion, refer the matter to the Plan Commission or Joint Committee for its input.

(b) **Petition for Rezoning Approval.** Following the pre-application conference, the owner or the owner's agent may file a petition with the Zoning Administrator for approval of a zoning change to the PUD District. Such petition shall be accompanied by payment of a PUD review fee as established from time to time by action of the Village Board. The procedure for rezoning to a PUD District shall be as required for any other zoning district change as set forth under Section 10-1-1312 of this Chapter, except that, in addition thereto, 12 copies of a General Development Plan (GDP) shall be filed by the applicant with the Zoning Administrator with the petition for rezoning, together with the following information:

(1) A cover letter summarizing the request and the nature of the project in no more than two pages.

(2) Total area to be included in the PUD and a site inventory and analysis map with topography at two foot intervals to identify site assets, resources, and constraints, including but not limited to floodplains, wetlands, soils with limitations for building construction, utility easements, slopes greater than 12 percent, and existing mature trees and woodlands.

(3) Overall conceptual development plan for the entire site showing areas to be retained in open space, residential density, proposed number and type of dwelling units, projected population, availability of or requirements for municipal services and other similar data pertinent to a comprehensive evaluation of the proposed development.

(4) A general outline of the organizational structure of a property owners' or management association, which may be proposed to be established for the purpose of providing any necessary private services.

(5) Any proposed departures from the standards of development that will otherwise be applicable in the PUD District, as set forth in this Chapter and other parts of the Municipal Code.

(6) The expected date of commencement of physical development as set forth in the proposal and also an outline of any development staging which is planned.

(7) A location map and a legal description of the boundaries of the property included in the proposed PUD District.

(8) For PUD Districts that will include four or fewer lots, an accurate site plan, drawn to scale, and showing the boundaries of the subject property that includes the location of the proposed buildings, public and private roads, driveways, sidewalks, generalized storm water management facilities, open spaces, natural areas, and parking and loading facilities.

(9) For PUD Districts that will include five or more lots, a conceptual neighborhood development plan and/or preliminary plat, drawn to scale, which indicates existing and proposed major public streets and paths; different land use areas by proposed type and density; and proposed recreational, open space, and generalized storm water management areas and facilities.

(10) Adequate information to present the relationship of the proposed improvements to surrounding properties which shall include photographs and the locations of existing buildings located within 300 feet of the site.

(11) A preliminary analysis and map showing the general locations of proposed public utility connections, and anticipated upgrades of public utilities to serve the project.

(12) A conceptual landscape plan showing general locations and types of proposed landscaping, including maintenance of existing vegetation where appropriate.

(13) A proposed schedule for the implementation of the project, including conceptual phasing plan, if the applicant intends to phase construction of the project.

(14) Schematic architectural plans showing the character of the proposed buildings, along with a generalized program of proposed signage.

(15) A preliminary list of land uses that are proposed to be allowed within the PUD District, including schematic floor plans that are adequate to demonstrate the intended use of the buildings for PUD Districts that will include four or fewer lots.

(16) A written report that provides general information about the site; the project vision, objectives, themes, and images; its economic feasibility and financing; target markets; and relationship of the project to surrounding land uses, the Comprehensive Plan, and other applicable Village plans and guidelines.

(c) **Plan Commission Review.** In considering the petition and General Development Plan, the Plan Commission (or Joint Committee within the extraterritorial zoning jurisdiction) shall apply the criteria set forth in Section 10-1-1004 below. Upon submission of the petition and the General Development Plan, and provided the Plan Commission or Joint Committee determines that the petition and plan are complete and contain the information required above, the Plan Commission or Joint Committee shall hold a public hearing on the application and the General Development Plan; plan: and thereafter recommend to the Village Board that the petition and

(1) be approved as submitted,

(2) approved with modifications and/or conditions,

(3) referred for further consideration, or

(4) be disapproved.

(d) **Village Board Authorization.** Upon receipt of the recommendation of the Plan Commission or Joint Committee, the Village Board may take such action thereon as it deems reasonable and appropriate. If the petition and General Development Plan are approved, said plan shall establish the basic right for use of the lands in conformity with the plan as approved; but such plan shall be conditioned upon approval

of a Specific Implementation Plan and shall not make permissible any of the uses as proposed until a Specific Implementation Plan is submitted and approved for all or a portion of the General Development Plan.

(e) **Recording.** Upon final approval of the application and adoption of a zoning change to the PUD District by the Village Board, the General Development Plan, as approved, shall be recorded by the developer within 90 days following such approval, in the Sauk County Register of Deeds' office. Within 30 days of its recording, the applicant shall provide the Village with three copies of the recorded General Development Plan, along with proof of its recording. Detailed construction and engineering plans need not necessarily be completed at the time the rezoning is approved, but the approval and recording of such General Development Plan shall be conditioned upon the subsequent submittal, approval and recording of more specific and detailed plans as part of the Specific Implementation Plan.

Section 10-1-1004: Basis for General Development Plan (GDP) Approval

In reviewing a PUD District/General Development Plan application, the following criteria shall be applied with specific consideration as to whether or not it is consistent with the spirit and intent of this Chapter, whether or not it is consistent with the Comprehensive Plan and other adopted plans and guidelines affecting the PUD area, whether or not it has been prepared with professional advice and guidance, and whether or not it produces significant benefits in terms of environmental design.

(a) **Character and Integrity of Land Use.** In a PUD District, the uses proposed and their intensity and arrangement on the site shall be of a visual and operational character which:

(1) Are compatible to the physical nature of the site and surrounding land uses.

(2) Would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability, community sustainability, and functional practicality compatible with the comprehensive and other plans and guidelines for the area as adopted by the Village.

(3) Would not adversely affect the anticipated provision for municipal services.

(4) Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.

(b) **Economic Feasibility and Impact.** The proponents of a PUD District application have provided evidence satisfactory to the Village Board of its economic feasibility, of available adequate financing, and that it would not adversely affect the economic prosperity of the Village or the values of surrounding properties.

(c) **General Engineering Standards.** The proposed general plans for utilities, storm water management, and transportation systems are based on standards necessary to implement the specific function in the specific situation; provided, however, in no case shall standards be less than those necessary to ensure the public safety and welfare as determined by the Village Engineer.

(d) **Preservation and Maintenance of Open Space.** In a PUD District, adequate provisions shall be made for the permanent reservation or dedication to the public.

(1) For private reservation, the open area to be reserved shall be protected against building development minimally by conveying to the Village as part of the conditions for General Development Plan approval an open space easement over such open areas, restricting the area against any future building or use except as consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of the surrounding area. Buildings or uses for noncommercial, recreational, or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the General Development Plan or Specific Implementation Plan.

(2) The care and maintenance of such open space reservations shall be assured by establishment of appropriate management organization(s) for the project, which shall be a condition of General Development Plan approval. The manner of assuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement with the Village and shall be included in the title to each property.

(3) Ownership and tax liability of private open space reservations shall be established in a manner acceptable to the Village and made a part of the conditions of the General Development Plan approval.

(e) **Implementation Schedule.** A reasonable schedule for the implementation of the development to the satisfaction of the Village Board, including suitable provisions for assurance that each phase shall be brought to completion in a manner that would not result in an adverse effect upon the Village as a result of termination at that point. The Village shall consider the reasonableness of the proposed project implementation schedule and any phasing plan for the physical development of the proposed PUD, subject minimally to the requirements of Section 10-1-1006 below.

(f) **Residential PUD Considerations.** The Village, in its review of a residential General Development Plan, shall further consider whether:

(1) Such development will create an attractive residential environment of sustained desirability and economic stability, including structures designed in relation and respect to terrain; consideration of safe, convenient, and interconnected bicycle, pedestrian, and automobile flow; and ready access to recreation space.

(2) The total net residential density and design within the PUD will be consistent with the recommendations of the Comprehensive Plan as applicable to the PUD District area, and shall be compatible with the density and design of the neighborhood wherein located.

(3) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.

(4) Provision has been made for adequate, continuing fire and police protection and adequate off-street parking.

(5) The population density of the development will not have an adverse effect upon the community's capacity to provide needed municipal services and facilities.

(6) Adequate guarantee is provided for permanent preservation of open space areas as shown on the General Development Plan either by private reservation and maintenance or by dedication to the public.

(7) Such development will contribute to the goal of environmental sustainability and energy efficiency through the proper arrangement, density, orientation, and design for development; transportation access; natural area preservation and enhancement; and other features unique to the project.

(g) **Nonresidential PUD Considerations.** The Village, in its review of a nonresidential General Development Plan, shall further consider the issues under Section 10-1-1004 (g) and whether:

(1) The economic feasibility of the proposed development can be demonstrated.

(2) The proposed development will be adequately served by off-street parking, loading, and truck service facilities in accordance with this Chapter.

(3) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage, and maintenance of public areas.

(4) The locations of entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets and that the development will not create any adverse effect upon the general traffic pattern of the surrounding neighborhood.

(5) The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.

(h) **Mixed Use PUD Considerations.** The Village, in its review of a mixed use (i.e., nonresidential and residential) General Development Plan, shall further consider the issues under Section 10-1-1004 (g) and (h) and whether:

(1) The proposed mixture of uses results in a unified composite which is compatible with the surrounding neighborhood.

(2) The various types of uses conform to the general requirements as set forth in this Chapter, applicable to projects of such use and character.

Section 10-1-1005: Specific Implementation Plan (SIP) Approval

(a) **Required Contents of SIP.** After approval and recording of the General Development Plan and the zoning change to the PUD District, the applicant shall file 12 copies of a Specific Implementation Plan (SIP) with the Village Administrator. Unless and until a Specific Implementation Plan has been approved by the Village Board and recorded, no building permit shall be issued for any construction within the PUD District. Further, construction shall be limited to only those parts of the PUD that have an approved SIP. Specific Implementation Plan(s) shall include the following information:

(1) A cover letter summarizing the request and the nature of the project in no more than two pages.

(2) A location map and a legal description of the boundaries of the subject property included in the proposed SIP area and the GDP area (if different).

(3) A precise description of the type, number and size of dwelling units, a description of the type and amount of square feet devoted to nonresidential uses, the estimated number of employees, and character and volume of truck and automobile traffic generated from the site.

(4) Site summary data, including Gross Site Area, area and lineal feet of street rights-of- way, net area proposed for development and common open space uses, net subdivided area, total number of building sites, and average or typical lot and building site sizes.

(5) For all SIP areas that are proposed to include five or more lots, a detailed neighborhood development plan showing the precise horizontal and vertical mix of land uses; densities of use areas and development sites; building setbacks and massing; main driveways and parking areas; parks, squares, and other common open spaces; civic buildings; street trees and other natural elements; the street and block structure; and paths and other pedestrian ways.

(6) For all sites within the SIP where final site plan approval is being sought, except for single- and Two-Family dwellings, a detailed site plan(s) of the development showing the location of all buildings, pavement areas, signs, outdoor lighting, and other structures.

(7) If a land division is necessary, a final plat or certified survey map of the area included within the SIP at a minimum, showing detailed lot layout and the intended use of each lot, publicly dedicated areas, public and private streets, driveways, storm water management facilities, easements, and walkways.

(8) A detailed landscape plan showing the location and treatment of open space areas and the location, species, and size of landscape material at time of planting.

(9) A natural area preservation plan and a mature tree and woodland preservation plan, if required elsewhere in this Chapter.

(10) Complete architectural drawings setting forth the design and character of the structures, including elevation drawings of all sides of all buildings, and the floor areas. Elevations drawings shall indicate the colors and material selections for all surfaces, locations and design of all wall signs, windows, and doors; loading areas, utility meters, mechanical units, and trash storage areas, along with walls or fences to screen them. For single- and Two-Family dwellings, the Village may approve site and architectural design guidelines contained within a declaration of covenants, deed restrictions, or other similar document, in lieu of reviewing the plans for each individual dwelling.

(11) Detailed signage plan and lighting plan, each demonstrating a unified or compatible sign and lighting theme throughout the SIP area.

(12) Detailed public street, sidewalk, and path design plans.

(13) Detailed grading plan, storm water management plan, public utility plan, and erosion control plan, meeting all State, County, and Village requirements and consistent and assisting with regional storm water management plans adopted by the Village.

(14) A development schedule indicating:

a. The approximate date when construction of the project can be expected to begin;

b. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;

c. The anticipated rate of development and types and quantities of development in each stage; and

d. The approximate date when the development of each of the stages will be completed.

(15) Characteristics of soils related to contemplated specific uses.

(16) Existing topography on the site with contours at no greater than two foot intervals.

(17) Agreements, bylaws, provisions, or covenants that will govern the organizational structure, use, maintenance and continued protection of the PUD District and any of its common services, open areas or other facilities.

(18) A written report describing the proposed SIP, including specific project themes and images (e.g., drawings, photos, simulations), the specific mix of dwelling unit types and/or land uses, specific densities and dimensional standards for residential and nonresidential uses, the specific treatment of open space areas, and an evaluation of the proposed SIP with the previously approved General Development Plan (including an explanation if the SIP does not include the full area of the approved GDP).

(19) Any other plans, documents or schedules required by the Village.

(20) If the development is to be staged, a staging plan.

(21) If the site has any environmental contamination, the approved plan of remediation.

(22) A detailed off-street parking and loading plan, including numerical and dimensional statistics for proposed parking spaces.

(23) To the extent not already listed above, information normally required for site plan approval under Article 13 of this Chapter, except where waived or deferred by the Village in its approval of the SIP.

(b) **Recommendation on SIP.** Upon submission of the Specific Implementation Plan, the Plan Commission (or Joint Committee if in the ETZ Area) shall review the same to determine if the plan is in

compliance with the approved General Development Plan, applicable provisions of this Article, and any other provisions of this Chapter that are applicable to the proposed development. The Plan Commission or Joint Committee may, in its sole discretion, hold a public hearing thereon if it so elects. The Plan Commission (or Joint Committee if in the ETZ Area) shall thereafter take action on the Specific Implementation Plan as:

(1) Approved as submitted,

(2) Approved with modification and/or conditions,

(3) Referred for further consideration, or

(4) Disapproved.

(c) **Recording.** If the Specific Implementation Plan is approved, it shall be recorded at the Sauk County Register of Deeds office within 30 days thereafter by the developer. Within 30 days of its recording, the applicant shall provide the Village with three copies of the recorded Specific Implementation Plan, along with proof of its recording.

Section 10-1-1006: Development Agreement

Before any building permit shall be issued in a PUD District, at the Village's discretion, the applicant and the owner shall enter into an appropriate agreement with the Village to guarantee the implementation of the Planned Unit Development according to the terms and conditions established as a part of the General Development Plan and the Specific Implementation Plan. The Village shall have the right, if deemed appropriate, to require the inclusion of performance bonds or other security deemed satisfactory to the Village Attorney.

Section 10-1-1007: Amendment of General Development Plans or Specific Implementation Plans

(a) **Minor Amendments.** The Zoning Administrator, following consultation with the Plan Commission chair, may authorize a minor amendment to a previously approved General Development Plan or Specific Implementation Plan, upon application and Zoning Administrator review under the applicable subsection(s) of Section 10-1-1003, 10-1-1004, and/or 10-1-1005. A minor amendment shall be classified as an amendment to an approved General Development Plan and/or Specific Implementation Plan required by engineering, topographic, lot configuration, or other circumstances not foreseen at the time such Plan(s) was approved, provided that the amendment does not result in any of the following:

(1) Change in the approved use, character, or vision of the development.

(2) Conflict with the intent of the Village Board or Plan Commission in approval of the Plan(s).

(3) Increase in the overall coverage of structures by more than 5 percent.

(4) Increase in the density or intensity of use by more than 5 percent.

(5) Reduction in approved open space by more than 5 percent.

(6) Reduction of off-street parking or loading spaces by more than 5 percent.

(7) Reduction in any minimum lot area, minimum floor area, or dimensional requirement by more than 5 percent.

(8) Any other amendment specifically listed in an approved Plan(s) as requiring subsequent Village Plan Commission and/or Board approval.

(b) **Major Amendments.** Each amendment to the General Development Plan not classified as a minor amendment under subsection (a) shall instead be classified as a major amendment, and must be approved by Village Board, following a recommendation from the Plan Commission (or Joint Committee if in the

ETZ Area). Each amendment to the Specific Implementation Plan not classified as a minor amendment under subsection (a) must be approved by the Planning and Zoning Commission (or Joint Committee if in the ETZ Area). Applicable procedures for approval of the original General Development Plan in Section 10-1-1003 are required for a major amendment to a General Development Plan. Applicable procedures for approval of the original Specific Implementation Plan in Section 10-1-1005 are required for a major amendment to a Specific Implementation Plan.

(c) **Recording and Development Agreement.** Each approved amendment to a General Development Plan or Specific Implementation Plan shall be recorded per Section 10-1-1003(e) or 10-1-1005(c) before the Village will issue a building permit authorized under the approved amendment. The Village may also require an amendment to any development agreement under Section 10-1-1006.

Section 10-1-1008: Building Permits

Once a development agreement has been entered into with the Village pursuant to Section 10-1-1006 above, and provided the Specific Implementation Plan is recorded at the Sauk County Register of Deeds Office, building permits may be issued within all parts of the PUD District for which a Specific Implementation Plan has been approved, provided that said permits are for buildings that are in accordance with the SIP.

Section 10-1-1009: Delayed Effective Dates, Construction Required

In the event that a Specific Implementation Plan is not approved by the Village Board within 12 full calendar months following the date of the Village Board's approval of the General Development Plan, then in such event, no PUD District shall be effective therefore and the prior zoning district for the subject property shall continue in effect. Within 18 months following Village Board approval of the Specific Implementation Plan, the basic right of use for the areas included within that particular Specific Implementation Plan area, when in conformity with such approved plan, shall lapse and be null and void unless the project, as approved, is commenced by the issuance of a building permit. If said building permit once issued, expires in accordance with the provisions of this Chapter, with no completed construction having occurred, then a new petition and approval process shall be required to obtain a Specific Implementation Plan approval.

ARTICLE 11: TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT

Section 10-1-1100: Purpose

(a) The Traditional Neighborhood Development (TND) zoning district is intended to allow desirable and innovative development activities and variation in the relationship of uses, structures and open spaces in neighborhood developments conceived and implemented as cohesive, unified projects. This zoning district is intended to promote the development of land consistent with the following traditional neighborhood design principles:

(1) Creates an environment that promotes human interaction, a healthy civic life, a sense of place, and a high-quality living environment;

(2) Compact and reflects the character of historic development patterns in the Village;

(3) Designed for the human scale and for walkability;

(4) Provides a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another, along with a vertical mixing of uses in multi-story buildings;

(5) Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;

(6) Incorporates a system interconnected streets with sidewalks and paths that offer multiple routes for motorists, pedestrians, and bicyclists within and through the neighborhood;

(7) Retains, to the extent reasonably practical, existing buildings with historical or architectural features that enhance the visual character of the community;

(8) Incorporates significant environmental features into the design; and

(9) Is consistent with the Comprehensive Plan.

Section 10-1-1101: Minimum TND District Size

Each mapped TND zoning district shall be a minimum of 20 acres in Gross Site Area, except that an individual TND project may be smaller than 20 acres if it is anticipated in the Comprehensive Plan to be part of a contiguous TND-zoned area of 20 acres or greater.

Section 10-1-1102: Allowable and Required Uses in a TND District

(a) Any land use that is permitted by right or as a conditional use, accessory use, or temporary use in any of the other zoning districts in this Chapter, or mix of uses, may be permitted within a TND subject to the criteria listed below. All SIPs shall specify the range of proposed and approved land uses in that particular TND, which when approved shall be construed to be and enforced as part of this Chapter. The total Gross Site Area in the TND devoted to commercial and institutional uses shall not exceed 25 percent of the Gross Site Area of the entire TND. Each TND shall include a carefully planned and integrated mix of land uses with varied development densities throughout the project, as provided below:

(1) Residential Use Areas. Each TND shall include at least one area intended for predominately residential use. The overall mix of residential uses within each Large TND shall resemble the mix of existing housing types and tenure within the entire Village. Each TND shall include at least two of the following types of residential uses:

a. Single-Family detached dwellings, on a mix of lot sizes throughout the neighborhood.

b. Duplexes, townhouses, and row houses.

c. Multi-Family dwellings.

d. "Special needs" housing, including community living arrangements and assisted living facilities.

(2) At Least One Mixed-Use Area. Mixed-use areas are intended to serve as pedestrian-friendly gathering places and focal points for the project. The highest development density within the TND shall occur in and adjacent to the mixed-use area(s). Figure 10-1-1102(a) shows one example of a mixed-use area. At least 90 percent of the dwelling units within the TND shall be within ¼ mile from a mixed-use area within or outside of the project. Each TND shall include at least one mixed-use area, unless the Comprehensive Plan identifies the location of a mixed-use area on a nearby site and the "90 percent" criterion in the previous sentence will be met. The mixed-use area shall include an appropriate mix of the following uses:

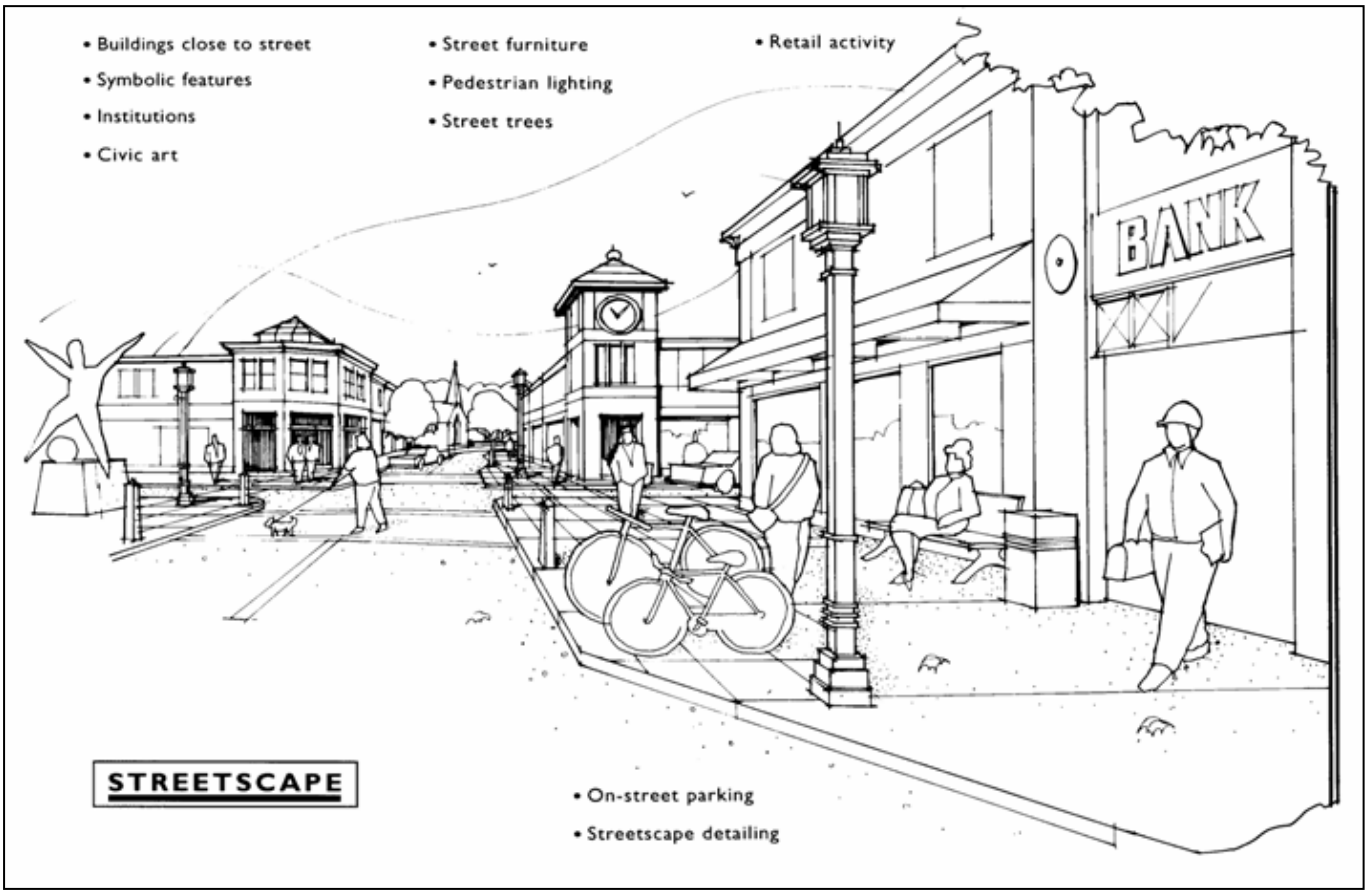
a. Neighborhood commercial uses, such as services, retail, restaurants, and accommodations.

b. Attached residential dwellings, including duplexes, townhouses, rowhouses, Multi-Family, second-story residential units, live/work units, and special needs housing.

c. Civic or institutional uses, such as places of worship; educational facilities; or usable, developed common open space like a town square.

(3) At Least One Common Green Space Area. At least 15 percent of the Gross Site Area of the TND must remain as permanently protected common green space. At least 90 percent of the dwelling units within the TND shall be within ¼ mile from a protected common green space area. Permanently protected common green space areas include public parks, environmental corridors, trails, protected natural areas, and private parks that are permanently restricted from non-recreational development, but do not include private yards, stormwater management basins, or stormwater conveyance channels. Small neighborhood parks, playgrounds, and squares should be integrated into the project, while large outdoor recreation areas should generally be located at the periphery.

Figure 10-1-1102 (a): Example of Mixed-Use Area Design



Section 10-1-1103: TND Density, Intensity and Bulk Requirements

(a) **Minimum Lot Area and Width.** A variety of lot sizes shall be provided to facilitate housing choice and meet the requirements of people with different housing needs. Minimum lot areas and widths shall be as follows:

(1) Single Family Detached Dwellings.

a. With street (front or side) loaded garages: Minimum lot area shall be 5,000 square feet. Minimum lot width shall be 50 feet with an attached garage and 40 feet with a detached garage.

b. With alley loaded garages: Minimum lot area shall be 4,000 square feet. Minimum lot width shall be 45 feet with an attached garage and 40 feet with a detached garage.

c. A Conditional Use Permit will be required if the total building coverage of a new or remodeled Single-Family detached dwelling plus accessory buildings exceeds 75 percent of the area of the lot in which it is located for lots that are 7,000 square feet or greater, and 85 percent of the area of the lot for lots that are less than 7,000 square feet.

d. Dwellings within condominium development components of the project shall be subject to similar density standards as those described above.

(2) Duplexes and Twin-houses.

a. Minimum lot area shall be 3,500 square feet per dwelling unit. Minimum lot width shall be 30 feet per dwelling unit.

b. Dwellings within condominium development components of the project shall be subject to similar density standards as those described above.

(3) Townhouses (3+ Attached Units).

a. Minimum lot area shall be 2,200 square feet per dwelling unit. Minimum lot width shall be 22 feet per dwelling unit.

b. Dwellings within condominium development components of the project shall be subject to similar density standards as those described above.

(4) Multi-Family Dwellings.

a. Minimum lot area shall be 700 square feet for each efficiency dwelling unit, with an additional 300 square feet of lot area required for each additional bedroom in the dwelling unit.

b. Multiple-family dwellings within condominium development components of the project shall be subject to similar density standards.

(5) Minimum lot areas and widths for all other uses shall be as specified in the submitted TND SIP.

(b) **Building Setbacks and Separation.** The TND should include buildings placed relatively close to the street to promote interaction, enclose space along the street, and direct less attractive site features to less visible yards. Maximum front yard setbacks and minimum building separation shall be as provided in Figure 10-1-1103(a).

Figure 10-1-1103(a): TND District Building Setbacks

Use Area	Maximum Front Yard Setback	Minimum Building Separation
Residential Areas	25 feet	12 feet[1]
Mixed-Use Area	15 feet[1]	12 feet[1]
[1]Minimum building separation standards may substitute for required side and rear lot setbacks.		

<u>Section 10-1-1104: TND Circulation and Parking Requirements</u>

(a) The circulation system shall allow for different modes of transportation, provide functional and visual links among the residential area(s), mixed-use area, and open space areas within the TND; connect to existing and proposed developments outside the TND; provide adequate traffic capacity; provide connected pedestrian and bicycle routes including off-street paths or bicycle lanes on streets; control through traffic; limit direct lot access on streets with higher expected traffic volumes; and promote safe and efficient mobility. More specific design standards that shall be met are as follows:

(1) Block Size. Street layouts shall provide for perimeter blocks that are a maximum of 400 feet deep and 800 feet long, unless expressly permitted through SIP approval.

(2) Pedestrian Circulation. Convenient and continuous pedestrian circulation systems, including walkways and paths intended to minimize conflicts between pedestrians and motor vehicles shall be provided throughout the TND. Where feasible, any existing pedestrian routes through the site shall be preserved, enhanced, or relocated if necessary. All streets, except for alleys, shall be bordered by sidewalks on both sides in accordance with the specifications listed in Figure 10-1-1104(a) and

installed by the developer, unless otherwise approved by the Village. Clear and well-lighted walkways shall connect building entrances to the adjacent public sidewalk and to any associated parking areas. Curb bulb-outs, median refuges, and other related techniques should be incorporated along collector streets and at key intersections to shorten the pedestrian crossing distance. Between-lot walkways or paths may be required where necessary to maintain the continuity of the pedestrian circulation system.

(3) Bicycle Circulation. Facilities for bicycle travel shall be included in the project and installed at the developer's expense, unless otherwise approved by the Village. Such facilities may include off-street bicycle and multi-use paths, striped bicycle lanes on streets per Figure 10-1-1104(a), signed bicycle routes, or some combination. Any existing bicycle routes through the site shall be preserved, enhanced, or relocated if necessary. Selected bicycle routes and facilities shall implement the recommendations in the Comprehensive Plan. All businesses, civic uses, and Multi-Family dwelling units shall provide adequate bicycle parking areas and facilities.

(4) Motor Vehicle Circulation. Motor vehicle circulation shall be designed to efficiently move motor vehicle traffic via multiple routes and to minimize conflicts with pedestrians and bicycles. Traffic calming features such as curb extensions, traffic circles, medians, and on-street parking are encouraged slow traffic speeds. Arterial streets should generally not bisect a TND. Minor streets within the TND are intended to be used primarily for access to abutting properties, and are usually not subject to access controls. Collector streets within the TND are intended to carry traffic from minor streets to arterial streets, include the principal entrance street to a residential use area, and may be subject to access controls. Alleys are special public ways affording secondary access to the rear of abutting properties, and may be public or private based on the approved TND. Minimum street design standards for a TND shall be in accordance with Figure 10-1-1104(a), (b), and (c).

(5) Street Layout. The TND shall maintain the existing street grid, where present, and restore any disrupted street grid where feasible. The orientation of streets shall be consistent with the Comprehensive Plan, enhance the visual impact of common open spaces and prominent buildings, create lots that facilitate passive solar design, minimize street gradients, and minimize the use of double frontage lots. All streets shall extend through the project or terminate at other streets, except streets may temporarily "dead end" when such streets will connect to future phases or other sites outside the TND and minor streets may permanently terminate in a cul-de-sac only where site conditions require a cul-de-sac and there will be a through connection via a pedestrian way or bicycle path at the end.

(6) Parking and Loading Requirements. All TNDs shall meet the parking and loading requirements found elsewhere in this Chapter, except that the Village may allow adjacent on-street parking within a TND to apply toward the minimum parking requirements. For Multi-Family residential buildings and in mixed-use areas, shared use parking lots and structures are encouraged, off-street parking lots may not be adjacent to or opposite from a street intersection, and parking lots and structures shall be located to the rear or sides of buildings. The edges of parking lots, landscaped islands, and all other areas not used for parking or vehicular circulation shall be landscaped and curbed per the requirements in Section 10-1-1104(d). Examples of these parking lot placement and landscaping standards are included in Figure 10-1-1104(d). Reduction of impervious surfaces through the use of pervious pavement, interlocking pavers, and similar techniques is encouraged, particularly for remote parking lots and parking areas for periodic uses.

Figure 10-1-1104(a): Minimum Street Design Requirements in Traditional Neighborhood Development District

Street Classification	Street Width, curb-face to curb-face (feet)	Curb & Gutter	Street Terrace	Sidewalks	Bicycle Lanes
Collector Street	32 (1-sided parking) 24 (no parking)	Both sides, 1.5 feet wide	Both sides, min. 8.5 feet wide	Both sides, min. 5 feet wide and 1 foot from lot line	Where required, add 5 foot wide lanes (can be measured to curb face if paved lane width = 4 feet)
Minor Street	30 (2-sided parking) 26 (1-sided parking) 22 (no parking)	Both sides, 1.5 feet wide	Both sides, min. 7 feet wide	Both sides, min. 5 feet wide and 1 foot from lot line	None
Alley	12 (no parking)	1.5 foot flat ribbon	None	None	None

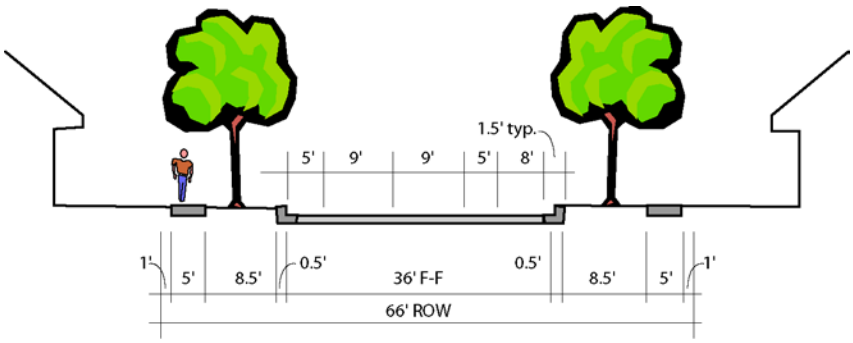


Figure 10-1-1104(b): Schematic sketch of a typical collector street cross-section with one-sided parking and bike lanes.

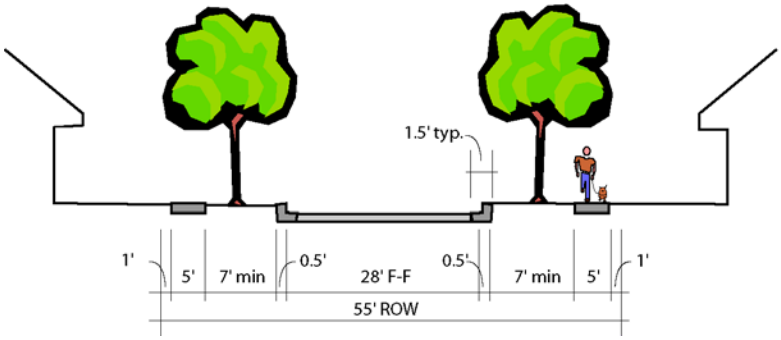
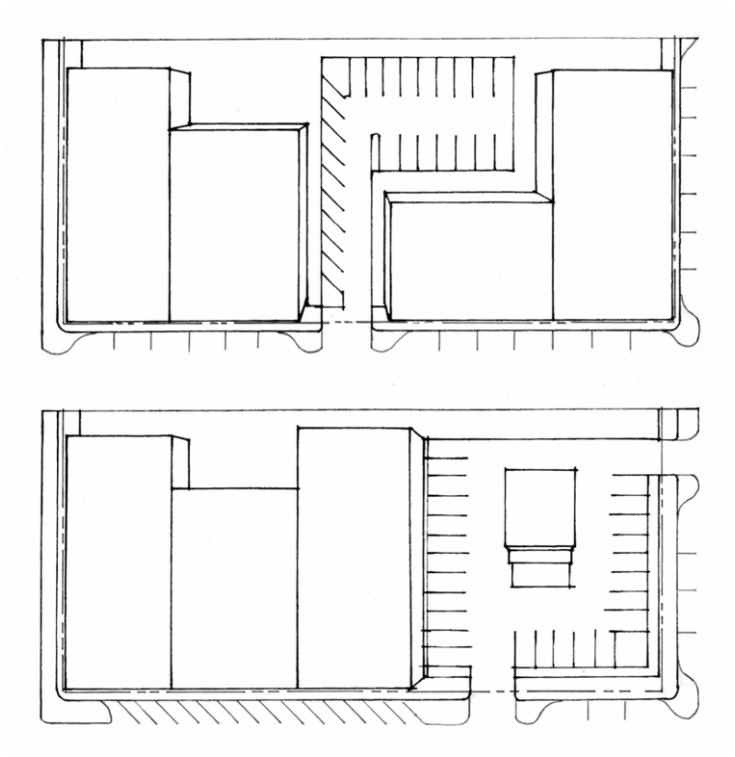
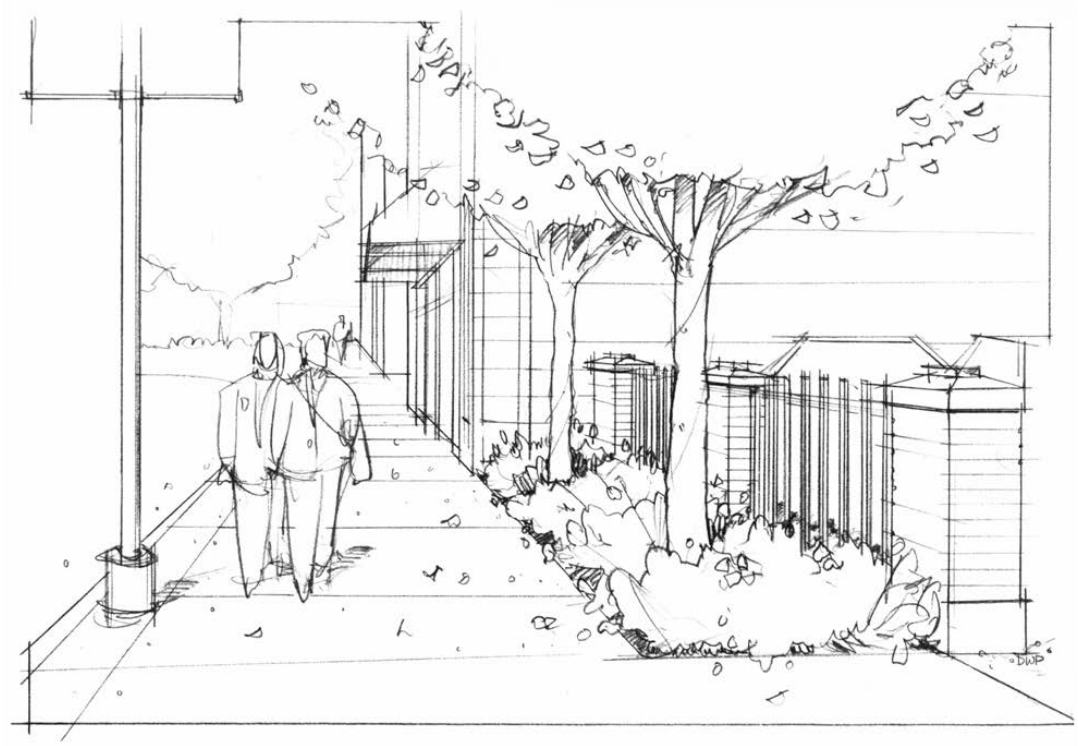


Figure 10-1-1104(c): Schematic sketch of a typical minor street cross-section with two-sided parking.

Figure 10-1-1104(d): Examples of Required Parking Lot Placement and Landscaping





Section 10-1-1105: Architectural Requirements

A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character, while maintaining a compatible design theme throughout the TND. More specific design standards that shall be met are as follows:

(a) **Existing Structures.** Existing structures, if determined to be historic, architecturally, or culturally significant, shall be protected from demolition or encroachment by incompatible structures or land development, to the extent reasonably practical. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall be used as criteria for renovating significant structures.

(b) **New Structures.**

(1) General Design. New buildings shall be of consistently high and lasting quality throughout the project. The bulk and height of each building shall property relate to and flow from surrounding buildings, and shall be in proper proportion to the size of the lot on which it is to be placed. The style, materials, and design of new buildings may be organized around a consistent design theme that may draw from a local vernacular architectural style and/or natural building materials common to the region. However, design monotony shall be avoided (see Figure 10-1-1105(a)). Unless otherwise approved by the Village to carry out a particular design theme of exceptional quality, no two principal buildings within four lots on either side of the street on which the buildings front shall have a similar front facade. Front facades shall be deemed to be similar where there is:

a. No substantial difference in roof lines or form; and

b. No substantial change in window size, location, or type; and

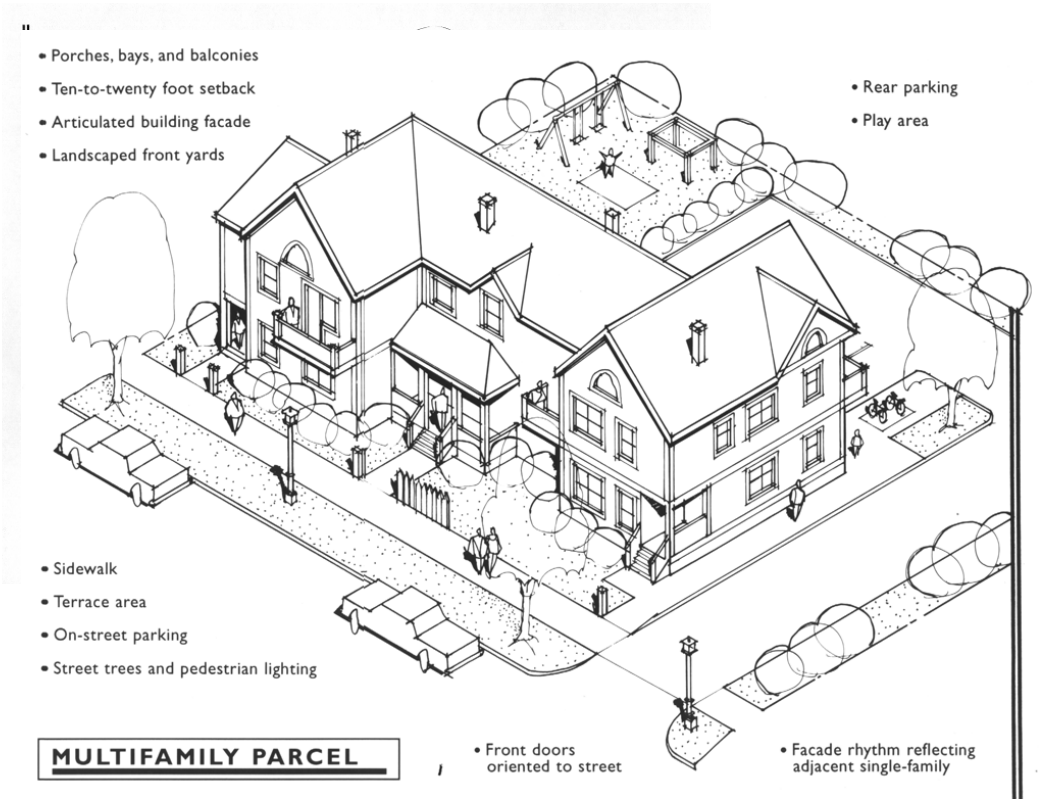
c. No or minimal change in material colors.

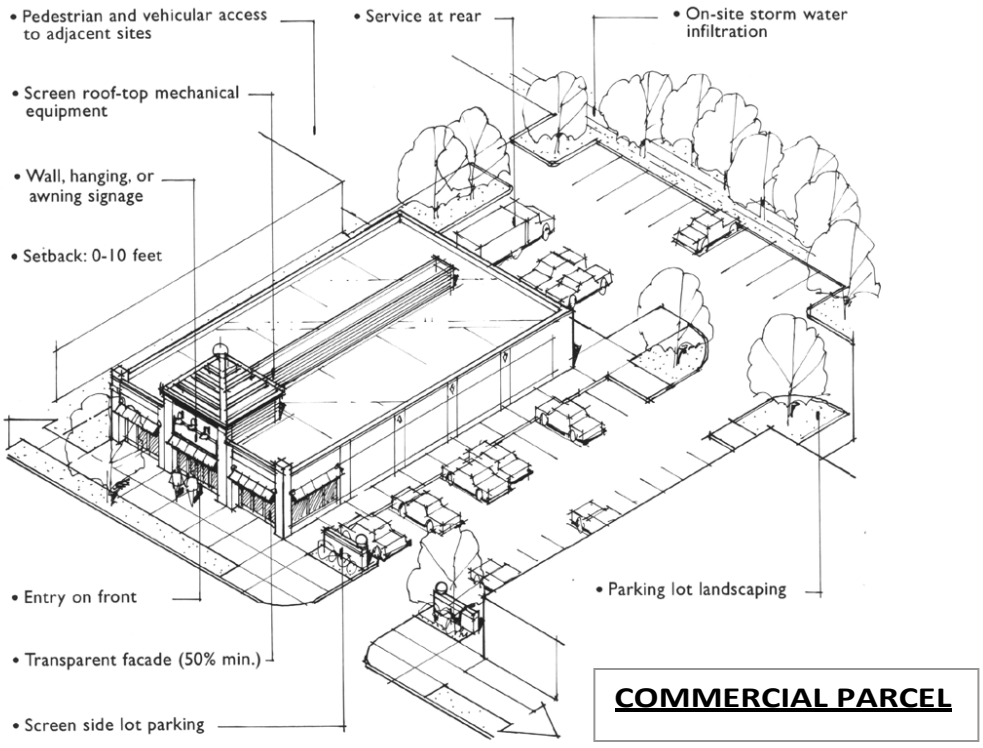
Figure 10-1-1105(a): Example of Design Variation with Consistent Form

(2) Height. New structures within a TND shall be no more than three stories for Single-Family detached dwellings and attached dwellings, and six stories for commercial, Multi-Family, or mixed use buildings.

(3) Entries and Facades. Similar architectural features, materials, and the articulation of a building façade shall be continued on all sides visible from a public street. The front façade of the principal building shall face onto the street yard of a public street (not directly toward a parking lot) and shall parallel the line of the street to create a continuous edge. As buildings are moved closer to the street and to each other, special attention should be paid to design details and landscaping. Porches, entry bays, covered walkways or stoops, hooded front doors, or other similar architectural elements shall define the front entrances to all dwelling units; such features shall generally be closer to the street than the remainder of the dwelling. Porches are recommended to be a minimum of six feet deep to enhance aesthetics and function. For nonresidential buildings, a minimum of 50 percent of the public street façade(s) on the ground floor shall be transparent, consisting of window or door openings, and entries shall face the public street. Figure 10-1-1105(b) provides examples of required treatments of entries and front facades.

Figure 10-1-1105(b): Examples of Entry and Front Façade Treatments, Residential, and Non Residential Structures.





(4) Garages. Garages accessed from the public street, where garage doors face a public street, shall occupy no more than 50 percent of the front façade of the house. Residential garages shall be set back a minimum of two feet to the rear of the main front façade of the dwelling structure (not including porches or other projections) to ensure that the garage does not dominate the view from the street. Where the house does not include a front porch or similar projection from the main living area of the house, garages shall be set back a minimum of four feet to the rear of the main front façade. Garage setbacks along alleys shall either be between two and eight feet from the alley right-of-way to allow proper turning radii but no driveway parking, or at least 16 feet to allow driveway parking without encroaching into the alley. Garage placement alternatives and standards are illustrated in Figure 10-1-1105(c).

Figure 10-1-1105(c): Alternative garage locations on a TND residential lot:

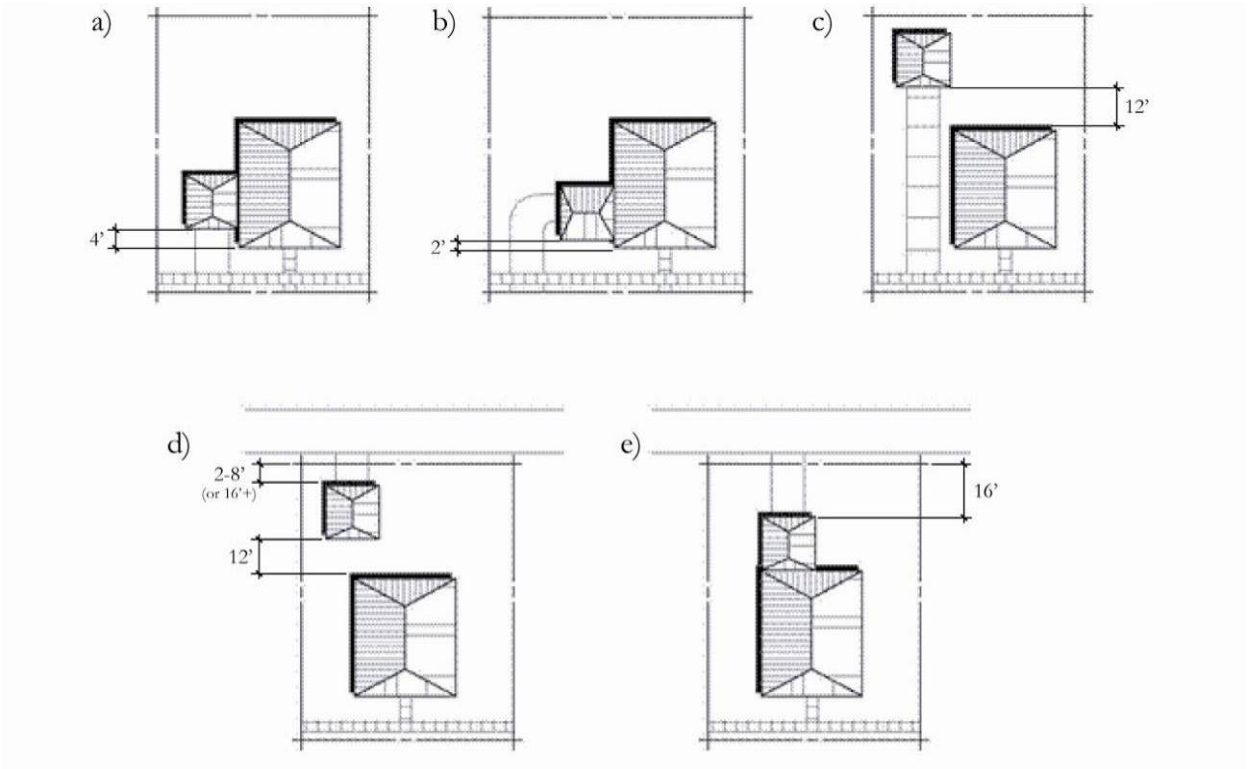
a) Attached garage is accessed from a street (street-loaded garage). 4' min setback required if no front porch or similar front yard building projection; 2' with front porch.

b) Attached garage is accessed from a street (side-loaded garage). 2' min setback required.

c) Detached garage, behind the house, is accessed from a street. 12' separation between house and garage.

d) Detached garage is accessed from an alley. Either a 2' to 8' setback from alley right-of-way or a 16' minimum setback from alley right-of-way. 12' separation between house and garage.

e) Attached garage is accessed from an alley. 16' minimum setback from alley right-of-way.



Section 10-1-1106: Additional TND District Requirements

(a) **Street Trees.** An average minimum of one deciduous tree per 50 feet of public street frontage shall be required to be planted by the developer, except if otherwise approved by the Village. Street tree placements may be clustered or adjusted to achieve a particular design objective or account for traffic visibility, curb openings, street lighting, and other obstructions. Street trees shall generally be located between the sidewalk and the curb and within the landscaped area of a boulevard. If placement of street trees within the right-of-way will interfere with pre-existing utility lines, trees may be planted within the private street yard adjacent to the sidewalk.

(b) **Landscaping Standards.** In no case shall a TND be exempt from the Overlay District requirements of this Chapter. For landscaping standards, the Village shall be guided by the principles set forth in Article 7, but shall have the flexibility to establish specific landscape and open space requirements that deviate therefrom; provided the best interests of the Village are promoted thereby. Such requirements so established shall be made part of the approved recorded Specific Implementation Plan and shall be, along with the General Development Plan, construed to be and enforced as a part of this Chapter. In the event that such requirements are not, in the determination of the Village Administrator, adequately specified in an approved Specific Implementation Plan, the requirements of this Chapter in the affected categorical areas shall prevail.

(c) **Performance Standards and Signage.** In the TND District, the Village shall be guided by the principles set forth in Article 8: Performance Standards, and Article 9: Sign Regulations, but shall have the flexibility to establish specific requirements for the TND District that deviate there from; provided the best interests of the Village are promoted thereby and that said deviations do not violate federal or state requirements. Specific TND requirements so established shall be made a part of the approved and recorded Specific Implementation Plan and shall be, along with the General Development Plan, construed to be and enforced as a part of this Chapter. In the event that such requirements are not, in the determination of the Village Administrator, adequately specified in an approved Specific Implementation Plan, the requirements of this Code in the affected categorical areas shall prevail.

(d) **Land Division.** Any land division in a proposed TND District shall comply with Title 10, Chapter 3 of this Municipal Code.

Section 10-1-1107: Procedural Requirements for the Traditional Neighborhood Development District

The procedural requirements for the TND District shall be identical to those of the PUD Planned Unit Development District, as represented in Sections 10-1-1003 through 10-1-1009.

ARTICLE 12: NONCONFORMING LOTS, USES, STRUCTURES AND SITES

Section 10-1-1200: Purpose

The purpose of this Section is to establish requirements for the following nonconforming situations: substandard lots, nonconforming uses, nonconforming structures, and nonconforming sites created legally prior to August 18, 2011. Nonconforming signs are addressed further in Article 9.

Section 10-1-1201: Nonconforming and Substandard Lots

(a) Upon and after August 18, 2011, no lot shall be created which does not meet the lot dimensional (density, intensity, and bulk) requirements of each zoning district, per Article 4.

(b) A lot of record existing on August 18, 2011 in a residential zoning district, which does not meet the minimum lot dimensional requirements for the zoning district may be utilized for a detached Single-Family dwelling unit, provided the measurements of such area and dimensions are equal to or greater than 80 percent of the minimum requirements of the R-1-B District. Said lot shall not be more intensively developed (with Multi-Family or nonresidential uses) unless combined with one or more abutting lots (or portions thereof) so as to create a lot which meets the requirements of this Chapter.

(c) A lot of record existing on August 18, 2011 in the A-P, A-H, or A-T zoning district which is less than 35 acres in area and which has no dwelling units (neither a farm residence or Single-family Detached residence) may be utilized for one detached single-family dwelling unit, provided the measurements of such area and dimensions are equal to or greater than 80 percent of the minimum requirements of the R-R Rural Residential District, and adequate access to a public right-of-way is provided.

Section 10-1-1202: Nonconforming Uses

(a) **Continuance of a Nonconforming Use.**

(1) Any nonconforming use lawfully existing on August 18, 2011 or any amendment to it may be continued at the size and in a manner of operation existing upon such date, except as specified in this Section.

(2) A use first regulated as a conditional use following August 18, 2011 which was approved as a legal land use—either permitted by right or as a conditional use—prior to August 18, 2011 shall be considered as a legal, conforming land use so long as any previously approved conditions are followed. Any modification of the previously approved plans or conditions of use shall require application and Village consideration under the requirements of this Chapter.

(3) Any prior legal use made nonconforming by a modification to the Official Zoning Map after August 18, 2011 may be granted legal conforming use status by changing the zoning district of the affected property to an appropriate district through a zoning map amendment, or by allowing that use within the then-current zoning district through a zoning text amendment. Any such requested amendments shall be subject to the standards and procedures prescribed by Section 10-1-1301 or 10-1-1302.

(b) **Modification of a Nonconforming Use.**

(1) A nonconforming use shall not be expanded, enlarged, extended, or reconstructed, unless the use is first changed to a use permitted in the district in which the use is located, or otherwise qualifies under subsection (d).

(2) Substitution of new equipment may be permitted by site plan approval of the Plan Commission or, if in the Extraterritorial Zoning Jurisdiction, by the Joint Committee.

(c) **Discontinuance of a Nonconforming Use.** When any nonconforming use of any structure or land is discontinued for a period of 12 consecutive months, or is changed into a conforming use, any future use of said structure or land shall be in complete conformity with the provisions of this Chapter.

(d) **Maintenance and Repair of a Nonconforming Use.** The ordinary maintenance and repair of a nonconforming use is permitted, including necessary repairs and incidental alterations which do not exacerbate the adverse impacts of the nonconforming use in relation to the purpose of this Chapter. Except as otherwise provided in this Section, whenever a nonconforming use is damaged to the extent of more than 50 percent of the then-current equalized assessed value of the use and associated structure, such use shall not be restored except in conformity with the regulations of the district in which it is located. Notwithstanding the previous sentence, the total structural repairs or alterations in a conforming structure containing a nonconforming use shall not during its life exceed 50 percent of the equalized assessed value of said structure at the time of the first known structural repair or alteration, unless the use within said structure is permanently changed to a conforming use.

Section 10-1-1203: Nonconforming Structures

(a) Any structure lawfully existing on August 18, 2011 may be continued at the size and in a manner of operation existing upon such date, except as provided in this Section.

(b) Any lawful nonconforming structures existing at the time of the adoption or amendment of this Chapter may be continued, although its size or location does not conform with the lot dimensions and access provisions of this Chapter. Any lawful nonconforming structures may be allowed to be extended, enlarged, reconstructed, moved or structurally altered, provided that said extension, enlargement, reconstruction, movement or alteration complies with the setback and building requirements of the specific zoning district, except for the existing nonconformance. However, the nonconforming feature of a lawful nonconforming structure shall not be allowed to become more nonconforming by being extended, enlarged, reconstructed, moved or structurally altered except as permitted under Section 10-1-411 or when required to do so by law, or order, or to comply with the provisions of this Chapter, or with the approval of the appropriate Zoning Board of Appeals.

(c) A damaged or destroyed nonconforming structure may be restored or replaced to the size, location, and use that it had immediately before the damage or destruction occurred, without any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:

(1) The nonconforming structure was damaged or destroyed on or after August 18, 2011.

(2) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

The size of any such restored or replaced structure may be larger than the size it was immediately before the damage or destruction only if necessary for the structure to comply with applicable state or federal requirements.

(d) **Unsafe Structures.** Nothing in this Chapter shall preclude the Zoning Administrator or any other authorized local official from initiating remedial or enforcement actions when a lawful nonconforming structure is declared unsafe or presents a danger the public health, safety, or welfare.

(e) **Future Modification.** When any lawful nonconforming structure in any district is modified so as to be in conformance with the provisions of this Chapter, any future modification of said structure shall be in conformance with the provisions of this Chapter.

(f) **Ordinary Maintenance.** Ordinary maintenance repairs, including repairs reasonably necessary to prevent the deterioration of a structure, and remodeling of a nonconforming structure are permitted, as well as necessary nonstructural repairs and alterations which do not extend, enlarge, or intensify the nonconforming structure. Ordinary maintenance repairs and remodeling include internal and external painting, decorating, paneling, the addition of acoustical ceilings, the installation of heating, electricity, plumbing (including fixtures) or insulation, and the replacement of doors, windows, and other non-structural components.

(g) **Alterations.** Structural alterations may be made to a building containing lawful nonconforming residential units, provided such alterations do not increase the number of dwelling units or the bulk of the building. Notwithstanding the foregoing, a conforming garage may be added if none previously existed. However, after August 18, 2011, such buildings shall not be enlarged, expanded or extended without bringing the enlargement, expansion or extension into compliance with the provisions of the Chapter unless a variance is granted under Section 10-1-1309, or in the Extraterritorial Zoning Jurisdiction, Section 10-1-1310 and except as permitted under this Section.

(h) **Timing of Building Permit.** Any structure for which a building permit has been lawfully granted prior to August 18, 2011 or an amendment to it which will become nonconforming under the provisions of this Chapter or that amendment thereto, may be completed in accordance with the approved plans, provided construction is started within 365 calendar days after issuance of the permit for Single- and Two-Family residential construction and within 365 calendar days after issuance of a permit for all other development, and construction is completed within 730 calendar days (2 years) after the start of construction. If all such conditions are met, the structure shall thereafter be a legal nonconforming structure.

Section 10-1-1204: Nonconforming Site

(a) **Definition.** A nonconforming site is one in which a principal use has been established prior to August 18, 2011 and on which one or more site development standards such as minimum landscape surfaces, bufferyards, plantings, or minimum parking have not been met or cannot be met owing to the configuration of the site or existing structures whether conforming or nonconforming.

(b) **Blanket Variance.** A blanket variance for any and all requirements of this Chapter is hereby automatically granted to all development sites in their configuration existing or as finally approved as of August 18, 2011. *Rationale: The "blanket variance" provision of this Section is intended to prevent the creation of certain nonconforming sites subject to the requirements of this Chapter. This Section is intended to ensure that sites approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming.*

(c) After August 18, 2011, additional site development that results in enlargement, expansion or extension of uses or structures will not be allowed to occur without bringing the site into full compliance with all nonconforming site development standards or into compliance to the extent practical without removal of lawful structures in accordance with the following Subsections (d) through (i) below.

(d) On lots where the site configuration and undeveloped area are sufficient to comply with nonconformities in site design; no enlargement, expansion, or extension of a use or structure shall be permitted if it makes compliance with site regulations of the Chapter impossible, even if said enlargement, expansion, or extension of the use or structure would otherwise be permissible.

(e) Enlargements, expansions or extensions that would result in creation of one or more nonconformities, render a nonconforming site incapable of being brought into full or greater compliance with

nonconforming site requirements, or increase the degree of existing nonconformities with the site development standards of this Chapter shall not be permitted, unless a variance is granted by the Zoning Board of Appeals under Section 10-1-1309, or in the Extraterritorial Zoning Jurisdiction, Section 10-1-1310.

(f) On lots with adequate configuration and area to bring the site into full or greater compliance with site design standards, said compliance shall be required at the time of any property improvement, modification, enlargement, or expansion requiring site plan review by the Plan Commission or Joint Committee. The degree to which the property shall be made to comply with substandard site design elements shall be proportional to degree of property improvement per the following:

(g) Total additions or expansions to structures on nonconforming sites shall require correction of existing nonconformities of on-site improvements in accordance with the following:

(1) Renovations that do not result in expansions or result in expansions of the total gross square footage of the existing structure(s) and/or outdoor storage areas less than 50 percent of the existing structural and/or outdoor storage area within any continuous five year period shall require a corresponding percentage increase in compliance with the site improvements required by this Chapter until the site achieves 100 percent compliance. (Example: A property with a permitted, expandable use currently has only 50 percent of the required landscaping. An addition to the structure equaling 20 percent of the combined area of the existing structures and outdoor operations/storage uses on a site is proposed. Therefore, as a condition of approval, an additional 20 percent of landscaping required for the whole site must be added. In this instance, 70 percent of the landscaping requirement would be met upon completion of the improvements).

(2) Complete replacement of existing structures or expansions of the existing structures that result in a total of 50 percent or greater increase of total gross square footage within any continuous five year period require the entire property to meet all of the site improvement requirements of this Title. The same requirements also apply to increased or new outdoor areas used for outdoor operations/storage.

(h) On lots where the configuration and undeveloped area of the nonconforming site provides insufficient space to bring the site into full compliance with all site requirements but nevertheless provides space to reduce the degree of one or more nonconformities, the Plan Commission or Joint Committee shall make a determination as to the manner and degree to which each site nonconformities shall be brought into conformance.

ARTICLE 13: PROCEDURES AND ADMINISTRATION

Section 10-1-1300: Purpose

The purpose of this Article is to establish the administrative and enforcement framework for the application of this Chapter for both the Village and its Extraterritorial Zoning Jurisdiction.

Section 10-1-1301: Amendments to Zoning Regulations (Text Amendments)

(a) **Authority.** Whenever the public necessity, convenience, general welfare or good zoning practice require, the Village Board may, by ordinance, amend the zoning regulations of this Chapter. All such amendments affecting or potentially affecting lands within the Village and/or its Extraterritorial Zoning Jurisdiction shall be subject to the review and recommendation of the Plan Commission and/or Joint Committee in accordance with the procedures of this Section.

(b) **Initiation.** An amendment to the zoning regulations may be initiated by the Village Board, Plan Commission, Joint Committee, or by any member of the general public.

(c) **Application Requirements for Amendment to the Zoning Regulations.** No application for amendment to the zoning regulations shall be placed on any agenda as an item to be acted upon unless the Zoning Administrator has certified acceptance of a complete application. A proposed amendment to a zoning regulation may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Prior to publication of the required Notice of Public Hearing, the applicant shall provide the Zoning Administrator with one easily reproducible electronic copy and paper copies if required by the Administrator of the complete application. Said complete application shall be comprised of all of the following:

(1) A copy of the portion of the current provisions of this Chapter which are proposed to be amended, with said provisions clearly indicated in a manner which is clearly reproducible with a photocopier;

(2) A copy of the text which is proposed to replace the current text; and

(3) Written justification for the proposed text amendment, consisting of the reasons why the applicant believes the proposed text amendment is in harmony with the Comprehensive Plan.

(4) Any required fee as stated in the Schedule of Fees (Section 10-1-1320).

(d) **Review Criteria for Amendments to the Zoning Regulations.** Applicants, the Zoning Administrator, Plan Commission, Joint Committee and Village Board shall consider the following criteria when reviewing an application to amend the zoning regulations of this Chapter:

(1) Does the proposed text amendment to this Chapter retain or improve the level of consistency between this Chapter and the recommendations of the Comprehensive Plan?

(2) Does the proposed text amendment further the purposes and intent of this Chapter as outlined in Article 0?

(3) Does the proposed text amendment further the purposes of the Article and Section in which the amendment is proposed to be located?

(4) Does the amendment address any of the following deficiencies or omissions as compared to the current language of this Chapter?

a. A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s).

b. New methods of development or providing infrastructure make it necessary to alter this Chapter to meet these new factors.

c. Changing governmental finances require amending this Chapter in order to meet the needs of the government in terms of providing and affording public services.

d. There is an error or internal inconsistency in this Chapter.

(5) If the proposed amendment to zoning regulations is concerned with the provisions of Article 2, 3, and/or Article 4 of this Chapter, does the proposed amendment maintain the desired compatibility with allowable land uses, land use intensities, and impact on resources of the affected zoning district(s)?

(e) **Zoning Administrator Review and Recommendation.**

(1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. The Zoning Administrator shall inform the applicant if the application is incomplete.

(2) If complete, the Zoning Administrator shall prepare a written evaluation of the application based on the criteria for amending the zoning regulations in Subsection (d) above. The Zoning Administrator shall forward a copy of the application and the Zoning Administrator's evaluation to the Plan Commission, Joint Committee, and Village Board.

(f) **Notice of Public Hearing.** Following acceptance of a complete application, the Zoning Administrator shall schedule a joint public hearing before the Plan Commission and Joint Committee, to be held within 45 days after acceptance of a complete application. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 2 Notice in conformance with the requirements of Section 62.23 (7)(d) of Wisconsin Statutes. The Zoning Administrator shall also send, at least ten days prior to the date of such public hearing, said notice to the following: the applicant; each person on the list the Village is required to maintain under Section 62.23(7)(d)4. whose property, the allowable use of which, may be affected by the proposed amendment; and the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this Section.

(g) **Public Hearing and Recommendation.** The Plan Commission and Joint Committee shall hold a joint public hearing on all proposed amendments to the zoning regulations. At the public hearing, the applicant may appear in person or by agent. Following the joint public hearing, and after consideration of evidence, testimony, and discussion provided therein, the Plan Commission and Joint Committee shall review the proposed amendments to the zoning regulations and shall within 75 days of submittal of a complete application each make a recommendation to the Village Board that the application be granted as requested, modified, or denied. The Plan Commission, Joint Committee, or both may request additional information from outside experts, the applicant, or any other source they deem necessary to allow evaluation of the amendment against the criteria of Subsection (d).

(h) **Village Board Action.**

(1) The Zoning Administrator shall schedule the proposed amendment for potential Village Board action. After careful consideration of all evidence and testimony, the Village Board shall within 90 days of the public hearing vote on the passage of the proposed amendment. Failure of the Board to act within 90 days after the public hearing (unless said deadline is extended by written agreement of the applicant) shall constitute approval of the application. Prior to taking final action, the Village Board may request additional information from outside experts, the applicant, or any other source it deems necessary to allow evaluation of the amendment against the criteria of Subsection (d).

(2) The Village Board may approve an amendment by a simple majority of at voting quorum, except that if the Board action is adverse to or alters a recommendation of the Plan Commission or Joint Committee the shall require an affirmative vote from ¾ of the full Village Board.

(i) **A Change Affecting Only Lands within Village or ETZ.** For a proposed amendment to the regulations of this Chapter that is intended to affect only lands in the Village, the Joint Committee is not required to participate in a public hearing or make a recommendation on the amendment. For a proposed amendment to the regulations of this Chapter that is intended to affect only lands in the Extraterritorial Zoning Jurisdiction, the Plan Commission is not required to participate in a public hearing or make a recommendation on the amendment.

(j) **Effect of Denial.** No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

(k) **Fee.** A fee may be required for this procedure, as determined by the Village Board.

Section 10-1-1302: Amendments to the Official Zoning Map (Rezonings)

(a) **Authority.** Whenever the public necessity, convenience, general welfare or good zoning practice require, the Village Board may, by ordinance, amend the Official Zoning Map of this Chapter. Such amendments affecting lands within the Village municipal boundaries shall first be subject to the review and recommendation of the Plan Commission, and such amendments affecting lands within the Extraterritorial Zoning Jurisdiction shall first be subject to the review and recommendation of the Joint Committee.

(b) **Initiation.** An amendment to the Official Zoning Map may be initiated by any member of the Village Board, Plan Commission (or the Joint Committee if within the Extraterritorial Zoning Jurisdiction), or by an application by the owner(s) of property proposed for rezoning.

(c) **Applications for Amendment to the Official Zoning Map.** No application for amendment to the Official Zoning Map shall be placed on any agenda as an item to be acted upon unless the Zoning Administrator has certified acceptance of a complete application. A proposed amendment to the Official Zoning Map may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Prior to publication of the required Notice of Public Hearing, the applicant shall provide the Zoning Administrator with one easily reproducible electronic copy and paper copies if required by the Administrator of the complete application. Said complete application shall be comprised of all of the following:

(1) A map with a graphic scale and a north arrow showing the entire subject property included in proposed map amendment including lot boundaries and dimensions of the subject property, and all other lands within 300 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property, the current zoning of all property within 300, and the jurisdiction(s) in which the subject and adjacent properties lie. A list of the names and addresses of the owners of all property within 300 feet of the subject property as they appear on the current tax records shall be provided by the applicant, though the Zoning Administrator may at the Zoning Administrator's discretion instead provide this list. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property shall be provided.

(2) A map such as the Future Land Use Map within the Comprehensive Plan showing the generalized location of the subject property in relation to the Village and Extraterritorial Zoning Jurisdiction as a whole.

(3) Written justification for the proposed map amendment, consisting of the reasons why the applicant believes the proposed map amendment is in harmony with recommendations of the Comprehensive Plan and other review criteria of this Section.

(4) Any required fee as stated in the Schedule of Fees (Section 10-1-1318).

(d) **Review Criteria for Amendments to the Official Zoning Map.** Applicants, the Zoning Administrator, Plan Commission (or the Joint Committee if within the Extraterritorial Jurisdiction), and Village Board shall consider the following criteria when reviewing an application to amend the Official Zoning Map:

(1) Is the proposed amendment to the Official Zoning Map consistent with the recommendations of the Comprehensive Plan?

(2) Does the proposed Official Zoning Map amendment further the purpose and intent of this Chapter as expressed in Article 0?

(3) Does the proposed Official Zoning Map amendment address any of the following that are not properly addressed on the current Official Zoning Map?

a. A mistake was made in mapping on the Official Zoning Map. That is, an area is or has developed in a manner and purpose different from that for which it is mapped. If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the Village may intend to stop an undesirable land use pattern from being perpetuated.

b. Factors have changed, such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes, making the subject property more appropriate for a different zoning district.

c. Growth patterns or rates have changed, thereby creating the need for an amendment to the Official Zoning Map.

(4) Does the proposed amendment to the Official Zoning Map maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

(e) **Zoning Administrator Review and Recommendation.**

(1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. The Zoning Administrator shall inform the applicant if the application is incomplete.

(2) If complete, the Zoning Administrator shall prepare a written evaluation of the application based on the criteria for amending the Official Zoning Map in Subsection (d) above. The Zoning Administrator shall forward a copy of the application and the Zoning Administrator's evaluation to the Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction) and Village Board.

(f) **Notice of Public Hearing.** Following acceptance of a complete application, the Zoning Administrator shall schedule a public hearing before the Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction), to be held within 45 days after acceptance of a complete application. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 2 Notice in conformance with the requirements of Section 62.23(7)(d) of Wisconsin Statutes. The Zoning Administrator shall also, at least ten days prior to the date of such public hearing, send said notice with a map or description of the proposed amendment to the following: the applicant; owners of record of all lands within 300 feet of the subject property; each person on the list the Village is required to maintain under Section 62.23(7)(d)4. whose property, the allowable use of which, may be affected by the proposed amendment to the Official Zoning Map; and the Clerk of any municipality whose boundaries are within 1,000 feet of the subject property. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this Section.

(g) **Public Hearing and Recommendation.** The Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction) shall hold a public hearing on all proposed amendments to the Official Zoning Map. At the public hearing, the applicant may appear in person or by

agent. Following the public hearing, and after consideration of evidence, testimony, and discussion provided therein, the Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction) shall review the proposed amendment to the Official Zoning Map and shall within 75 days of submittal of a complete application make a recommendation to the Village Board that the application be granted as requested, modified, or denied. The Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction) may request additional information from outside experts, the applicant, or any other source they deem necessary to allow evaluation of the amendment against the criteria of Subsection (d).

(h) **Village Board Action.**

(1) The Zoning Administrator shall schedule the proposed amendment for potential Village Board action. After careful consideration of all evidence and testimony, the Village Board shall within 90 days of the public hearing vote on the passage of the proposed Official Zoning Map amendment. Failure of the Board to act within 90 days after the public hearing (unless said deadline is extended by written agreement of the applicant) shall constitute approval of the application. Prior to taking final action, the Village Board may request additional information from outside experts, the applicant, or any other source it deems necessary to allow evaluation of the amendment against the criteria of Subsection (d).

(2) The Village Board may act to approve or reject an amendment to the Official Zoning Map by a simple majority of a voting quorum, except in the following circumstances:

a. If an official protest against the requested amendment meeting the requirements of Section 62.23(7)(d)2m. of Wisconsin Statutes is filed, then approval of that amendment shall require a ¾ vote of a voting quorum.

b. If the amendment is defined as a down zoning under Section 66.10015(1)(as) of Wisconsin Statutes, then approval of that amendment shall require a 2/3 vote of the full Village Board, except that if the down zoning is requested or agreed to by each person who owns the land(s) affected by the proposed down zoning, the down zoning may be approved by a simple majority of the full Village Board.

(i) **Effect of Denial.** No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

(j) **Fee.** The Village may require a fee may for this procedure.

(k) **Relationship to Proposed Amendments to Official Overlay Zoning Map.** Proposed amendments to the Official Overlay Zoning Map shall follow the same process as that laid out for the Official Zoning Map in this section, except that additional requirements may apply based on the unique statutory requirements that may be associated with the particular Overlay District in question. The Village Board shall not permit changes to certain overlay district boundaries that are inconsistent with the purpose and intent of this Chapter or in conflict with the applicable rules and regulations of the Wisconsin Department of Natural Resources (DNR), the Federal Emergency Management Agency (FEMA), or other agencies with jurisdiction.

Section 10-1-1303: Zoning Permits

(a) **Application.** Each application for a zoning permit shall be made to the Zoning Administrator on a form furnished by the Administrator and shall include the following where pertinent and necessary for proper review, except where modified by the Zoning Administrator:

(1) Name and address of the applicant, owner of the site, architect, professional engineer and contractor.

(2) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

(3) Plat of survey prepared by a land surveyor registered in Wisconsin showing the location, boundaries, dimensions, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements; streets and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; high water, channel floodway, and floodplain boundaries; and existing and proposed street, side, and rear yards. In addition, the plat of survey shall show type, slope and boundaries of soils shown in an official Soils Survey prepared for Sauk County by the United States Department of Agriculture Soil Conservation Service.

(4) Additional information as may be required by the Zoning Administrator.

(5) Any required fee as stated in the Schedule of Fees (Section 10-1-1318).

(6) A zoning permit shall be granted or denied by the Zoning Administrator in writing within 30 days of the application, and the applicant shall post such permit in a conspicuous place at the site. The permit shall expire within four months unless work equal to 10 percent of the dollar amount of the permits has been completed or within 18 months after the issuance of the permit if the structure for which a permit issued is not 75 percent completed as measured by the dollar amount of the permit. The applicant shall reapply for a zoning permit before recommencing work on the structure. Any permit issued in conflict with the provisions of the Chapter shall be null and void.

(b) **Relationship to Building Permit.** Where a building permit is also required in advance of construction or remodeling of a structure, the Zoning Administrator may combine the building permit and zoning permit into a single application and a single approval.

(c) **Fees.** The Village may require a fee may for a zoning permit. A double fee may be charged by the Zoning Administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.

Section 10-1-1304: Conditional Use Permits

(a) **Purpose.** The development and execution of this Chapter is based upon the division of the Village into zoning districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use at a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

(b) **Initiation of Conditional Use Permit.** Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one or more of the conditional uses in the zoning district in which such land is located.

(c) **Application for Conditional Use Permit.** No application for a Conditional Use Permit shall be placed on any agenda as an item to be acted upon unless the Zoning Administrator has certified acceptance of a complete application. A proposed Conditional Use Permit may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Prior to publication

of the required Notice of Public Hearing, the applicant shall provide the Zoning Administrator one easily reproducible electronic copy and paper copies if required by the Administrator of the complete application. Said complete application shall be comprised of all of the following:

(1) A completed Conditional Use Permit application form furnished by the Zoning Administrator, including names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.

(2) A map of the subject property showing all lands for which the Conditional Use Permit is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

(3) A map, such as the Future Land Use Map in the Comprehensive Plan, of the generalized location of the subject property in relation to the Village and Extraterritorial Zoning Jurisdiction as a whole.

(4) A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.

(5) A site plan of the subject property as proposed for development. Said site plan shall conform to any applicable requirements of Section 10-1-1307. If the conditional use will make use of existing site improvements, a site plan need only be of sufficient detail to confirm the portion of the site used by the conditional use.

(6) If the proposed conditional use is a Large Retail and Commercial Service Development as defined in Section 10-1-0302(p), all additional information required under Section 10-1-0605.

(7) Written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the approval criteria set forth in this Section.

(8) Any other plans and information deemed necessary by the Zoning Administrator, the Plan Commission (or the Joint Committee if within the Extraterritorial Zoning Jurisdiction) to ensure that the intent of the Chapter is fulfilled.

(9) Any required fee as stated in the Schedule of Fees (Section 10-1-1330).

(d) **Review Criteria for Conditional Use Permit.** In addition to reviewing Conditional Use Permit requirements against other requirements enumerated elsewhere in this Chapter, the applicant, Zoning Administrator, and Plan Commission (or Joint Committee if within the Extraterritorial Zoning Jurisdiction) shall evaluate the application to determine whether the requested Conditional Use Permit meet the following criteria:

(1) Is the proposed conditional use (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village?

(2) Does the proposed conditional use, in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the

provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide development?

(3) Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

(4) Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

(5) Do the potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts?

(e) **Zoning Administrator Review and Recommendation.**

(1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. The Zoning Administrator shall inform the applicant if the application is incomplete.

(2) If complete, the Zoning Administrator shall prepare a written evaluation of the application based on the criteria for evaluating Conditional Use Permits in Subsection (d) above. The Zoning Administrator shall forward a copy of the application and the Zoning Administrator's evaluation to the Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction).

(f) **Public Hearing.** Following acceptance of a complete application, the Zoning Administrator shall schedule a public hearing before the Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction), to be held within 45 days after acceptance of a complete application. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 2 Notice in conformance with the requirements of Section 62.23(7)(d) of Wisconsin Statutes. The Zoning Administrator shall also send said notice to the applicant, owners of record of all lands within 300 feet of the boundaries of the subject property, and the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter at least ten days prior to the date of such public hearing. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this Section. The Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction) shall hold the public hearing on all proposed Conditional Use Permits. At the public hearing, the applicant may appear in person or by agent.

(g) **Review and Action by the Plan Commission or Joint Committee.** Within 60 days after the public hearing (or within an extension of said period requested in writing by the applicant and granted by the Plan Commission or the Joint Committee if within the Extraterritorial Zoning Jurisdiction), the Plan Commission (or the Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction) shall take final action. Prior to taking action on a Conditional Use Permit application, the Plan Commission (or the Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction) may request further information and/or additional reports from the Zoning Administrator, the Applicant, outside experts and/or any other source. The Plan Commission (or the Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction) may approve the conditional use as originally proposed, may approve the proposed conditional use with conditions or modifications, or may deny approval of the proposed conditional use and include reasons for denial. Any action to approve the proposed conditional use requires a majority vote of Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction) members in attendance.

(h) **Effect of Denial.** No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

(i) **Termination of an Approved Conditional Use.** Upon approval by the Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction), the applicant must demonstrate that the proposed conditional use meets all general and specific conditional use requirements. Once a Conditional Use Permit is granted, no Erosion Control Permit, Site Plan approval, Certificate of Occupancy, Zoning Permit, or Building Permit shall be issued for any development which does not comply with all requirements of the Conditional Use Permit or this Chapter. Any conditional use found not to be in compliance with the terms of this Chapter or the approved Conditional Use Permit shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties. A Conditional Use Permit may be revoked for such a violation by the Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction), following the procedures outlined for original granting of a Conditional Use Permit.

(j) **Time Limits on the Development of Conditional Use.** The start of construction of any and all conditional uses shall be initiated within 365 days of their approval and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the Conditional Use Permit. For the purposes of this Section, "operational" shall be defined as the granting of a Certificate of Occupancy for the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction) and shall be based upon a showing of acceptable justification.

(k) **Discontinuing an Approved Conditional Use.** Any and all conditional uses which have been discontinued for a period exceeding 365 days shall have their Conditional Use Permit invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the conditional use was operational during this period.

(l) **Change of Ownership.** All requirements of the approved Conditional Use Permit shall be continued regardless of ownership of the subject property. Modification, alteration, or expansion of any conditional use in violation as approved per (g) above, without approval by the Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction), shall be considered in violation of this Chapter and shall be grounds for revocation of said Conditional Use Permit.

(m) **Recording of Conditional Use Requirements.** Except for Conditional Use Permit approvals for temporary uses, a certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the Village and notation referencing the Conditional Use Permit may be placed on or attached to the Official Zoning Map. A copy shall also be recorded with the County Register of Deeds office.

(n) **Uses Now Regulated as Conditional Uses Which Were Approved as Legal Land Uses—Permitted by Right or as Conditional Uses—Prior to the Effective Date of This Chapter.** A use now regulated as a conditional use which was approved as a legal land use—either permitted by right or as a conditional use—prior to August 18, 2011 shall be considered as a legal, conforming land use so long as the previously approved conditions of use and site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and Village consideration under this Section.

Section 10-1-1305: Temporary Use Reviews

(a) **Purpose.**

(1) The purpose of this Section is to provide regulations that govern the procedure and requirements for the review and approval, or denial, of proposed temporary uses, as described in this Chapter.

(2) Temporary uses are those uses that have the potential to create undesirable impacts on nearby properties if allowed on a permanent basis under the general requirements of this Chapter. Owing to their varied nature, temporary uses also have the potential to create undesirable impacts on nearby properties that potentially cannot be determined except on a case-by-case basis. In order to prevent undesirable outcomes, all temporary uses are required to meet certain procedural requirements of this Section in addition to the general requirements of Article 3 and the requirements of the zoning district in which the subject property is located.

(3) Allowable Temporary Uses permitted within each zoning district are listed in Article 3 of this Chapter.

(b) **Regulations Applicable to All Temporary Uses.** No public hearing is required to review a temporary use that is permitted by right in the zoning district, however, a demonstration that the applicant proposes to meet all temporary use requirements of this Article must be made at time of application. Any temporary use found not to be in compliance with the terms of this Chapter shall be considered in violation of this Code and shall be subject to all applicable procedures and penalties.

(c) **Application Requirements.** All applications for proposed temporary uses shall be approved as complete by the Zoning Administrator prior to certification of the proposed temporary use. Said complete application shall be comprised of all of the following:

(1) A map of the subject property showing all lands for which the temporary use is proposed, and all other lands within 300 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

(2) A map, such as the Future Land Use Map in the Comprehensive Plan, of the generalized location of the subject property in relation to the Village as a whole.

(3) A written description of the proposed temporary use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.

(4) The Zoning Administrator may require a site plan of the subject property. Said site plan shall conform with requirements of Section 10-1-1307 deemed necessary by the Zoning Administrator to evaluate the application.

(5) Any required fee as stated in the Schedule of Fees (Section 10-1-1318).

(d) **Action by the Zoning Administrator.** Action on an allowable temporary use shall be taken by the Zoning Administrator within five days of a complete application. Such action may include approval, conditional approval to meet the requirements of this Chapter, or denial if compliance with this Chapter cannot be achieved.

(e) **Fee.** A Temporary Use Fee may be required as established by the Village Board.

Section 10-1-1306: Sign Permits

Sign Permits shall be issued in accordance with the procedures and requirements set forth in Section 10-1-0901, and other applicable procedures set forth in Article 9.

Section 10-1-1307: Site Plan Procedures

(a) **Applicability.** Site plan approval shall be required in advance of construction for all development projects that are listed in Section 10-1-0302(l) or as otherwise indicated elsewhere in this Chapter. The review and approval process shall be as described in this Section 10-1-1307, except as may be otherwise prescribed in this Chapter.

(b) **Application Completeness.** The applicant shall submit a site plan application to the Zoning Administrator for appearance before the Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction). The site plan application shall not be placed on an agenda as an action item unless the application is approved and certified as complete by the Zoning Administrator per the requirements of Subsection (c), below. The review of a site plan application shall be completed within ten days of application submittal. The Zoning Administrator shall notify the applicant of the date and time of the applicable Plan Commission or Joint Committee meeting.

(c) **Application Contents.** The applicant shall submit one easily reproducible electronic copy of the application and all required plans and a sufficient quantity and size of paper copies if required by the Zoning Administrator. Except as otherwise allowed by the Zoning Administrator, the application shall include the following information within the site plan or in supporting documentation:

(1) A title block which indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for project.

(2) The date of the original plan and the latest date of revision to the plan.

(3) A north arrow and a graphic scale.

(4) A legal description or parcel number of the subject property.

(5) All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled.

(6) Delineation of floodplains, wetlands, shoreland setback areas, slopes of 12 percent or greater, mature trees, and woodlands (as defined in Section 10-1-0702) and any other proposed areas of Permanently Protected Green Space, with labels and descriptions.

(7) All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose.

(8) All required building setback lines applicable to the zoning district(s), including setbacks from natural resources.

(9) A Grading Plan showing existing and proposed grades, including retention walls and related devices, along with an Erosion and Sediment Control Plan where required under Title 10, Chapter 9 and to the specifications of that Chapter.

(10) The location of existing and proposed Stormwater Management facilities and structures, including a Stormwater Management Plan where required under Title 10, Chapter 9 and to the specifications of that Chapter.

(11) Proposed land use or uses, with projected number of employees, residents, and maximum customer capacity.

(12) All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, walls, utility poles, drainage facilities, and mechanical and utility units.

(13) The locations and dimensions of all access points onto public streets.

(14) The location and dimension of all on-site parking (and, if applicable, off-site parking provisions), including a summary of the number of parking stalls provided versus required by this Chapter.

(15) The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas.

(16) The location of all outdoor storage areas including dumpsters and the height, design, and materials of all screening fences.

(17) The location, type, height, fixture design, and cut-off angle of all exterior lighting, including a detailed photometric plan showing the distribution of light output across the property to the property lines. Depiction of illumination on the photometric plan should be shown rounded to the nearest 0.10 foot candles. Exterior lighting shall comply with the requirements of Section 10-1-0811.

(18) A detailed landscaping plan for the subject property at the same scale as the main plan showing the location of all required bufferyard and landscaping areas. The individual locations and species of existing and proposed plants, along with fencing types and heights, berm heights, and landscaping point totals for each required landscaping area is required. The Landscaping Plan shall comply with the requirements of Section 10-1-0702.

(19) Elevation drawings of proposed buildings or proposed remodeling of existing buildings to include exterior or roof mechanical equipment and showing finished exterior treatment, with adequate labels provided to clearly depict exterior materials, texture, color, and overall appearance. Perspective renderings of the proposed project and/or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings. All building elevations shall be drawn to a recognized architectural scale. Each exterior door shall be numbered on the elevations and on the actual building to facilitate subsequent emergency access, based on a numbering scheme available from the Village Administrator or the area's protective service providers.

(20) The location, type, height, size and lighting of all existing signage on the subject property, and proposed signage to the extent practical at the time.

(21) In the legend, the following additional data for the subject property:
   a. Proposed Zoning (or existing zoning if no change)
   b. Lot Area;
   c. Total number and type of residential dwelling units (if applicable);
   d. Total Gross Floor Area (GFA);
   e. Floor Area Ratio (if applicable);
   f. Impervious Surface Area and/or the Landscape Surface Area;
   g. Impervious Surface Ratio and/or the Landscape Surface Ratio;
   h. Building Height.

(22) The location of all outdoor areas for daily, seasonal, or longer-term sales, display, and/or collection of merchandise, including but not limited to donation drop-off boxes and vending machines.

(23) Plans and methods for fire control and suppression, which may include hydrants, sprinklers, alarms, and/or access rooms. Compliance with the Fire Code shall be required.

(24) If hazardous materials are to be kept or stored on site, a written description of such materials and the operations involving such materials conducted on their property. The Village may also require a process safety management, risk management, containment, and emergency response program.

(25) A stormwater utility service application per Section 5-6-7 of the Village Municipal Code.

(26) Any required fee as established by the Village Board.

(c) **Additional Information.** In addition to the above information, the Zoning Administrator, Plan Commission, or Joint Committee may request additional information, including but not limited to:

(1) Operational details that may affect municipal services such as average and peak utility usage, and average and peak traffic generation.

(2) Operational details pertaining to potential nuisances such as hours of operation, outdoor storage, vibration, noise, air pollution, odor, glare and heat, fire and explosion, toxic and noxious materials, hazardous materials as they relate to the performance standards of Article 8 of this Chapter.

(3) Additional details relating to exterior building, fence materials, lighting, etc.

(4) Possible future expansions.

(5) Certified Survey Map of the property in cases where lot lines and public easements are unclear or require adjustment.

(6) Any other information pertinent to adequate understanding of the intended use and its relationship to nearby properties and the Comprehensive Plan.

(d) **Site Plan Review Criteria.** In acting on any site plan approval application, the Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction) shall consider the following:

(1) All standards of the Zoning Ordinance and other applicable Village, State and Federal regulations are met.

(2) The public health and safety is not endangered.

(3) Adequate public facilities and utilities are provided.

(4) Adequate control of stormwater and erosion are provided and the disruption of existing topography, drainage patterns, and vegetative cover is maintained insofar as is practical.

(5) Appropriate traffic control and parking are provided.

(6) Appropriate landscaping and open space areas are provided.

(7) The appearance of structures maintains a consistency of design, materials, colors, and arrangement with nearby properties of similar use, which comply with the architectural standards provided in this Chapter.

(e) **Effect on Municipal Services.** Before granting any site approval, the Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction) may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Village Administrator or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional public facilities be needed, the Plan Commission shall forward its recommendations to the Village Board and shall not issue final approval until the Village Board has entered into an agreement with the applicant regarding the development of such facilities.

(f) **Review and Approval.** The Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction) shall, within 45 days of submittal of a complete application, take action to approve, approve with conditions, or deny approval of a site plan, unless the timeframe is extended with written consent of the applicant.

(g) **Modifications to Standards.**

(1) If the requested building permit is limited to construction or modification of an accessory structure that is less than 250 square feet in floor area, or a parking lot that will add 10 or fewer spaces, the Zoning Administrator may, at his or her discretion, review and act on the site plan administratively.

(2) The Zoning Administrator may determine that some of the application requirements of Subsection (c) above designated requirements of this section need not be submitted in connection with an application for approval of a if not necessary to satisfy the intent of this section.

(h) **Modification of an Approved Site Plan.** Variations between development and/or land use activity on the subject property and the approved site plan is a violation of this Chapter. Except for minor modifications as determined by the Zoning Adminstrator, an approved site plan shall be revised and approved via the procedures for original approval above, so as to clearly and completely depict any and all proposed modifications to the previously approved site plan, prior to the initiation of said modifications.

(i) **Sunset Clause.** All buildings on an approved site plan not fully developed within two years of final site plan approval shall expire, and no additional site plan development shall be permitted on undeveloped portions of the subject property. The Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction) may extend this period, as requested by the applicant, through the site review process.

(j) **Fee.** A fee may be required for this procedure, as adopted by the Village Board.

Section 10-1-1308: Certificate of Occupancy Procedures

(a) **Certificates Required.** No building or addition hereafter constructed or structurally altered shall be used for any purpose, and no addition to a previously existing building shall be occupied, and no land (except land used for garden or public recreation purposes and land without buildings or structures) that is vacant shall be used for any purpose, until a Certificate of Occupancy has been issued by the office of the Building Administrator. No change in a use shall be made until a Certificate of Occupancy has been issued by the Building Administrator. Every Certificate of Occupancy shall state that the use of occupancy complies with all of the provisions of this Chapter.

(b) **Application for Occupancy Permits.** Every application for a building permit shall be deemed to be an application for a Certificate of Occupancy. Every application for a Certificate of Occupancy for a new use or change in use of land or building shall be made directly to the office of the Building Administrator.

(c) **Issuance of Certificate of Occupancy.** No Certificate of Occupancy for a building or portion thereof hereafter constructed or structurally altered shall be issued until construction has been substantially completed and the premises inspected and certified by the office of the Building Administrator to be in conformity with the plans and specifications upon which the zoning certificate was based. The office of the Building Administrator, under such rules and regulations established by such office, may issue a temporary Certificate of Occupancy for a part of a building.

(d) **Termination of a Certificate of Occupancy.** It shall constitute a violation of this Chapter for any person, firm, corporation, or voluntary association, either owner or agent, to occupy a building in the Village, without having first obtained a Certificate of Occupancy. Any Certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Building Administrator, he shall forthwith revoke the Certificate of Occupancy, by notice in writing to be delivered by him to the holder of the void Certificate upon the premises where the violation has occurred, or if such holder be not found there, by mailing the said notice of revocation by Certified Letter to his last known address. Any person who shall proceed thereafter with such work or use without having obtained a new Certificate of Occupancy shall be deemed guilty of violation of this Chapter.

(e) **Fee.** A fee may be required for this procedure, as established by the Village Board.

Section 10-1-1309: Variance Procedures

(a) **Purpose.** The purpose of this Section is to provide regulations which enable a hearing and decision on requests for permitted variation from the terms of this Chapter as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this Chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done; as provided for by Section 62.23(7)(e)(7) of Wisconsin Statutes.

(b) **Initiation of Request for Approval of a Variance.** Proceedings for approval of a requested variance shall be initiated by an application of the owner(s) or their authorized agent of the subject property.

(c) **Application Requirements.** The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Chapter, he shall return the application to the applicant. If the Zoning Administrator determines that the application is complete, he shall so notify applicant and commence the procedure described in this Section. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. Prior to the submittal of the Official Notice regarding the application to the newspaper by the Village, the applicant shall submit one easily reproducible electronic copy of the complete application and paper copies if required by the Zoning Administrator. Said complete application shall be comprised of all of the following:

(1) A map of the subject property showing all lands for which the variance is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds (as determined by the Village of Prairie du Sac). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

(2) A map, such as the Future Land Use Map within the Comprehensive Plan, of the generalized location of the subject property in relation to the Village and Extraterritorial Zoning Jurisdiction as a whole.

(3) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property.

(4) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 10-1-1304.

(5) Written justification for the requested variance consisting of the reasons why the applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the criteria set out in Subsection (d) below.

(d) **Criteria for Grant of a Variance.** The applicant shall demonstrate to the satisfaction of the Zoning Board of Appeals (or Board of Extraterritorial Zoning Appeals if the subject property is within the Extraterritorial Zoning Jurisdiction) that all of the following criteria have been met.

(1) An exceptional or extraordinary circumstance or special factors are present on the subject property, which apply only to the subject property. The applicant shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district. Specifically:

a. The hardship or difficulty shall be peculiar to the subject property and different from that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original lot; unusual topography or elevation; or because the lot was created before the passage of the current, applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed;

b. Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance;

c. Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships;

d. Violations by, or variances granted to, neighboring properties shall not justify a variance;

e. The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)

(2) The factors identified in Subsection (d)(1) above prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district. The applicant shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.

(3) The granting of the proposed variance shall not impose a substantial detriment to adjacent properties. The applicant shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.

(4) The granting of the proposed variance as depicted on the required site plan would not result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide growth and development. The applicant shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.

(5) The factors which present the reason for the proposed variance have not been created by the act of the application or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lot configurations, or grading) after August 18, 2011. The applicant shall clearly indicate that such factors existed prior to August 18, 2011 and were not created by action of the applicant, a previous property owner, or their agent.

(6) The proposed variance does not involve or result in a land use that is not allowed in the zoning district under Article 3 of this Chapter. The applicant shall clearly indicate that the requested variance does not involve exceptions to the allowable land uses of that Article.

(e) **Review by the Zoning Administrator.** The requested variance shall be reviewed by the Zoning Administrator as follows:

(1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the application is not

complete or does not fulfill the requirements of this Chapter, he shall return the application to the Applicant.

(2) When complete, the Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed variance based on the application and the criteria for variance approval in Subsection (d) above. The Zoning Administrator may also evaluate the application to determine whether the request is in harmony with the recommendations of the Comprehensive Plan.

(3) The Zoning Administrator shall forward the application and evaluation report to the Zoning Board of Appeals (or Board of Extraterritorial Zoning Appeals if the subject property is within the Extraterritorial Zoning Jurisdiction) for that Board's review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this Chapter and Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

(f) **Review and Determination.**

(1) Within 30 days after filing of the complete application as determined by the Zoning Administrator, the Zoning Board of Appeals (or Board of Extraterritorial Zoning Appeals if the subject property is within the Extraterritorial Zoning Jurisdiction) shall hold a public hearing. Notice of the requested variance and the public hearing shall conform to the requirements of Section 62.23(7)(d) of Wisconsin Statutes. Said notice shall contain a description of the subject property and the proposed variance per Subsections (3)(a) and (c), above. In addition, at least ten days before said public hearing, the Village shall mail an identical notice to the applicant of the proposed variance; to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the subject property; and to all property owners within 300 feet of the boundaries of the subject property. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.

(2) Within 30 days after the holding of the public hearing or, within an extension of said period approved by the applicant and granted by the Zoning Board of Appeals (or Board of Extraterritorial Zoning Appeals if the subject property is within the Extraterritorial Zoning Jurisdiction), the appropriate Board shall make its findings based on the criteria in Subsection (d) above, and its determination regarding the application as a whole. The appropriate Board may request further information and/or additional reports from the Zoning Administrator and/or the Applicant. The appropriate Board may take final action on said request for approval of the requested variance at time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration. The appropriate Board shall make a written report of its findings and determinations following its determination.

(3) If the appropriate Board fails to make a determination within 30 days after said public hearing, then the request for the variance shall be considered denied.

(4) Said report shall include a formal finding of facts developed and approved by the appropriate Board concerning the requirements of Subsection (d) above.

(g) **Effect of Denial.** No application for a variance which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

(h) **Limited Effect of a Variance.** Where the Zoning Board of Appeals (or Board of Extraterritorial Zoning Appeals if the subject property is within the Extraterritorial Zoning Jurisdiction) has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as a result of the variance. Granting of a variance

shall be considered as unique to the variance granted, and shall not be construed as precedent for any other proposed variance.

(i) **Time Limits on the Development Associated with a Variance.** Construction associated with each approved variance shall be initiated within 365 days of its approval and completed within 730 days following its approval, unless a different period of time is established by the Board of Zoning Appeals (or Board of Extraterritorial Zoning Appeals if the subject property is within the extraterritorial jurisdiction) in its approval of the variance. Failure to initiate and complete construction within this period shall automatically result in the expiration of the variance. Prior to such expiration, the applicant may request an extension of this period. Said request shall require approval by the Board of Zoning Appeals (or Board of Extraterritorial Zoning Appeals if the subject property is within the extraterritorial jurisdiction).

(j) **Stay of Proceedings.** An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of this Chapter from which the Applicant is requesting a variance, unless the Zoning Administrator certifies to the Zoning Board of Appeals (or Board of Extraterritorial Zoning Appeals if the subject property is within the Extraterritorial Zoning Jurisdiction) after the request for the variance has been filed, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals (or the Board of Extraterritorial Zoning Appeals if the subject property is within the Extraterritorial Zoning Jurisdiction), or by a Court of Record on application, on notice to the Zoning Administrator, and on due cause shown. *State Law Reference: Section 62.23(7)(e)5., Wisconsin Statutes.*

(k) **Fee.** A fee may be required for this procedure, as established by the Village Board.

Section 10-1-1310: Interpretations

(a) **Purpose.** The purpose of this Section is to assign responsibility for the official interpretation of the provisions of this Chapter, and to describe the required procedure for securing such interpretation.

(b) **Initiation of Request for an Interpretation.** Proceedings for an interpretation may be initiated by the Village Board, Plan Commission, Joint Committee, or by application from an owner(s) or leaseholder of property within the Village or its Extraterritorial Zoning Jurisdiction.

(c) **Application Requirements.** The submittal of an application to the Village Clerk to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application to the Village Clerk. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. Prior to the submittal of the Official Notice regarding the application to the newspaper by the Village Clerk, the applicant shall provide the Village Clerk one electronic copy of the complete application and paper copies if required by the Village Clerk. Said complete application shall be comprised of all of the following:

(1) All requests for interpretations shall clearly indicate the part of the text of this Chapter for which the interpretation is requested and the specific questions the applicant has regarding said text.

(2) If the requested interpretation relates to the application of this Chapter to a specific property, the additional following information shall be required:

a. A map of the subject property showing all lands for which the interpretation is requested, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds as provided by the Village. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals

800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

b. A map, such as the Future Land Use Map within the Comprehensive Plan, of the generalized location of the subject property in relation to the Village and Extraterritorial Zoning Jurisdiction as a whole.

c. A written description of the reason for the requested interpretation and how the proposed interpretation relates to type of activities, buildings, and structures currently located on, and proposed for, the subject property.

d. Any existing site plan which accurately reflects the current conditions of the property with sufficient details relevant to the inquiry. If none exists or if the inquiry involves a proposed change to the site, a site plan conforming to any and all the requirements of Section 10-1-1307.

(3) If the requested interpretation relates to the classification or treatment of a particular land use under the provisions of this Chapter, a series of written responses to the following questions:

a. How is the subject land use (in general) in harmony with the purposes, goals, objectives, policies and standards of the Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village?

b. How is the subject land use in harmony with the purposes, goals, objectives, policies and standards of the pertinent zoning district for which the interpretation is being sought?

c. Do the potential public benefits of the proposed interpretation outweigh any and all potential adverse impacts of the proposed interpretation?

(d) **Review by Zoning Administrator.**

(1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Chapter, he shall return the application to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify Applicant.

(2) Upon notifying the Applicant that the application is complete, and within 30 days of such filing, the Zoning Administrator shall review the application and shall evaluate and comment on the written justification for the proposed interpretation provided in the application. This review shall also take into consideration the standards for review presented in Subsection (c), below. The Zoning Administrator shall also evaluate the application to determine whether the requested is in harmony with the recommendations of the Comprehensive Plan.

(e) **Standards for Review of Requested Interpretations.**

This Chapter shall be interpreted in a manner which is consistent with the purposes intended by the Village Board as noted in this Chapter and the Comprehensive Plan. To this end, the Zoning Administrator shall proceed as follows:

(1) Articulate certain public purpose(s) underlying the standard(s) for which an interpretation is required.

(2) Articulate the actual impact of various proposed interpretations, permitting flexibility in design and prohibiting any interpretation that lowers the protection afforded to the public.

(3) Determine whether the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal.

(4) This Chapter has been adopted by the Village Board to balance public goals, the protection of adjoining property owners, and the rights of property owners to use their land for a variety of uses

consistent with the Comprehensive Plan. The Zoning Administrator should not substitute his own judgments for the legislative acts of the Village Board.

(5) In addition to the applicant's response to the questions required by Subsection (c) above, the following standards shall govern the decision on the requested interpretation on land use interpretation matters:

a. No interpretation shall allow the establishment of any land use which was previously considered and rejected by the Village Board on an application for an amendment to the text of this Chapter, the Official Zoning Map, or a previously applied for appeal from a requested interpretation.

b. No interpretation shall allow a land use in any district other than those listed as allowable within each district or permit such use without meeting all review and approval procedures specified for that use.

c. No interpretation shall permit a land use in a zoning district unless evidence is presented which demonstrates that the land use will comply with any and all regulations applicable to development in the zoning district.

d. No interpretation shall permit a land use not specifically allowed in the particular zoning district unless such use is substantially similar to other uses permitted in that same district and is more similar to such other permitted uses than to uses either not permitted in said district, or uses requiring a Conditional Use Permit. If the proposed land use is more similar to a land use permitted only as a conditional use in the subject property's district than to a use permitted by right, then an interpretation permitting such use shall be conditioned upon the approval of a Conditional Use Permit pursuant to Section 10-1-1304.

(f) **Effect of a Favorable Land Use Interpretation.** No interpretation finding a particular land use to be permitted or conditionally permitted in a specific zoning district shall authorize either the establishment of such use or the development, construction, reconstruction, alteration or moving of any building or structure. A favorable interpretation merely authorizes the preparation, filing, and processing of applications for any permits and approvals which may be required by this Chapter. These permits and approvals include, but are not limited to required site plans, special use permits, conditional uses, and Certificates of Occupancy.

(g) **Limitations on Favorable Land Use Interpretation.** No interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the interpretation, unless a Building Permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a Certificate of Occupancy is obtained and a use commenced within that period. An interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the interpretation was issued. The interpretation shall not be deemed to authorize any allegedly similar use for which a separate interpretation has not been issued. A favorable interpretation shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

(h) **Fee.** An Interpretation Fee may be required, as determined by the Village Board.

<u>Section 10-1-1311: Appeals of Zoning Interpretations</u>

(a) **Scope and Manner of Appeals.** Appeals to the Village Zoning Board of Appeals (or Board of Extraterritorial Zoning Appeals if affecting the Extraterritorial Zoning Jurisdiction) may be taken by any person aggrieved or by any officer, department, board or bureau of the Village, affected by any decision

of the administrative officer affecting property within the Village. Such appeal shall be taken within 30 days of the alleged grievance or judgment in question. Such appeal shall be a notice in writing and filed with the officer from whom the appeal is taken and with the Zoning Board of Appeals (or Board of Extraterritorial Zoning Appeals if affecting the Extraterritorial Zoning Jurisdiction). The notice of appeal shall specify the grounds of such appeal; and any matter omitted therefrom shall not be considered by the Board. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(b) **Stay of Proceedings.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board of Appeals (or Board of Extraterritorial Zoning Appeals if affecting the Extraterritorial Zoning Jurisdiction) that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the appropriate Board of Appeals, or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(c) **Public Hearing for Appeals of Zoning Interpretation.** The appropriate Board of Appeals shall conduct at least one public hearing on the proposed appeal. Notice of such hearing shall be given not more than 30 days and not less than 10 days before the hearing in one or more of the newspapers in general circulation in the Village of Prairie du Sac, and shall give due notice to the parties in interest, the Zoning Administrator, and the Plan Commission or Joint Committee. At the hearing the applicant may appear in person, by agent, or by attorney. The Board shall thereafter reach its decision within 30 days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant, Zoning Administrator and Plan Commission or Joint Committee.

(d) **Concurring Vote and Decision.** The concurring vote of four members of the appropriate Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of any applicant on any matter upon which it is required to pass under the zoning ordinance or to effect any variance in such ordinance. The grounds of any such determination shall be stated.

(e) **Fee.** A fee may be required for this procedure, as established by the Village Board.

Section 10-1-1312: PUD and TND Zoning District Procedures

(a) The procedures for the review and approval of amendments to the Official Zoning Map for the PUD Planned Unit Development district and for the review and approval of a General Development Plan and Specific Implementation Plan within the PUD district are established in Article 10.

(b) The procedures for the review and approval of amendments to the Official Zoning Map for the TND Traditional Neighborhood Development district and for the review and approval of a General Development Plan and Specific Implementation Plan within the TND district are established in Article 11.

Section 10-1-1313: Zoning Administrator

(a) **Designation.** The Village Administrator or a designee is hereby designated as the administrative and enforcement officer for the provisions of this Zoning Code and is also herein referred to as the Zoning Administrator for the purposes of this Chapter. The duty of the Zoning Administrator is to interpret and administer this Chapter and to issue, after on-site inspection, all permits required by this Chapter.

(b) **Duties.** The provisions of this Chapter shall be administered and enforced by the Zoning Administrator or a designee, who in addition thereto and in furtherance of said authority shall:

(1) Determine that all detailed plans and supporting materials comply with all provisions of this Chapter.

(2) Conduct inspections of buildings, structures, waters and land to determine compliance with all provisions of this Chapter.

(3) Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this Chapter. If, however he is refused entry after presentations of his identification, he may procure a special inspection warrant in accordance with Section 66.0119(2) of Wisconsin Statutes. Conduct inspections of buildings, structures, waters and land to determine compliance with all provisions of this Chapter.

(4) Maintain permanent and current records of this Chapter, including but not limited to all maps, amendments, conditional uses, temporary uses, sign permits, site plans, occupancy permits, variances, appeals, interpretations, and applications therefore.

(5) Record the first floor and lowest floor (basement or crawlway) elevations of all structures erected, moved, altered, or improved in the floodplain overlay districts.

(6) Receive, file and forward all applications for all procedures governed by this Chapter to the designated official bodies.

(7) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this Chapter to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the Village Attorney in a manner specified by him.

(8) Institute, in the name of the Village of Prairie du Sac, any appropriate actions or proceedings against a violator of this Chapter, as provided by law.

(9) Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.

(10) Where useful, set marks on bridges or buildings or other markers which show the depth of the regional flood; or may set marks delineating the boundaries of wetlands.

(11) Request assistance and cooperation from the Village Police Department, Village Attorney, Village Planner, Village Engineer, and Village Public Works Director as deemed necessary.

(12) Make available to the public, to the fullest extent possible, all reports and documents concerning the Village's Comprehensive Plan and ordinances. In addition, information in the form of reports, bulletins, maps, and engineering data shall be readily available and widely distributed. The Village Board may set fees necessary to recover the cost of providing information to the public.

(13) Make determinations of which land uses that are not listed in Figure 10-1-0307, Figure 10-1-0308, or Figure 10-1-0309 should be allowed in a zoning district, per Section 10-1-0301(e).

(14) Make interpretations regarding the provisions of this Chapter per Section 10-1-1310: Interpretations.

Section 10-1-1314: Village Plan Commission

The Village Plan Commission, together with its other statutory duties, shall; with reference to this Chapter:

(a) Review and grant final site plan approval as provided in this Chapter within the Village limits.

(b) Conduct public hearings for Conditional Use Permit applications, and within a PUD District or TND district, for General Development Plan applications, within the Village limits.

(c) Within a reasonable time following conduct of a public hearing, grant or deny a Conditional Use Permit within the Village limits.

(d) Review and make recommendations to the Village Board regarding approval of any General Development Plan or Specific Implementation Plan. In instances where a Specific Implementation Plan

requires only Plan Commission approval, the Plan Commission shall apply any conditions it deems lawful and necessary to ensure compliance with the objectives of this Chapter. (See Article 10 and Article 11 of this Chapter.)

(e) Review and advise the Village Board on all applications for text amendments to the zoning regulations, and to all amendments to the Official Zoning Map affecting territory within the Village municipal boundary.

Section 10-1-1315: Village Zoning Board of Appeals

The Village Zoning Board of Appeals shall be established and administered in accordance with Section 2-4-3 of the Village Code of Ordinances, as amended from time to time.

Section 10-1-1316: Joint Extraterritorial Committee

(a) **Creation.** The Joint Extraterritorial Committee ("Joint Committee") shall be created as provided by Sec. 62.23(7a), Wis. Stats.

(b) **Jurisdiction.** The Joint Committee shall exercise its powers and duties only within the Extraterritorial Zoning Jurisdiction of the Village of Prairie du Sac.

(c) **Powers and Duties.** The Joint Committee shall possess the powers and duties prescribed in Sec. 62.23(7a), Wis. Stats., and such other powers and duties as shall be vested in it from time to time by the Village Board. Powers and duties shall be identical to those functions of the Plan Commission as they pertain to this Chapter, except that the Joint Committee's duties are confined to the Extraterritorial Zoning Jurisdiction.

(d) **Membership.** The Joint Committee shall be appointed pursuant to Section 62.23(7a)(c), Wis. Stats.

(e) **Rules and Reports.** The Joint Committee may adopt rules governing its own proceedings. The Joint Committee shall make a full report in writing to the Village Board and the Town Board of its transactions and expenditures, if any, for the preceding year, with such general recommendations as to matters covered by its prescribed duties and authority as made to it seem proper. This annual report shall be filed with the Village and the Town no later than March 1 of each year.

(f) **Meetings.** The Joint Committee shall elect a chairperson and secretary and shall keep a written report of its proceedings to include all actions taken, a copy of which shall be filed with the Village and Town Clerks. Four members shall constitute a quorum, but all actions shall require the affirmative approval of a majority of the members except for decisions on perfunctory matters which shall require a majority vote of those present.

(g) **Staff.** The Joint Committee shall utilize the services of existing Village and Town officials and employees.

Section 10-1-1317: Board of Extraterritorial Zoning Appeals

(a) **Establishment.** A Board of Extraterritorial Zoning Appeals shall act as the board of zoning appeals for lands and issues within the Extraterritorial Zoning Jurisdiction. Said Board of Extraterritorial Zoning Appeals shall consist of five members, three of whom shall be appointed by the Village President and shall be Village residents, and two of whom shall be appointed by the Town of Prairie du Sac Chairperson and shall be residents of the Town of Prairie du Sac. Initially, terms shall be one, two and three years, respectively, for Village members and one and two years, respectively, for Town members. Thereafter, the terms shall be three years, expiring on the third Tuesday of April in the third year of the term. No more than one member of the Joint Committee shall serve as one of the five members.

(b) **Procedure, Quorum, Voting.** The provisions of Sec. 10-1-1309 through 10-1-1311 of the Village Municipal Code and Sec. 62.23(7)(e), Wis. Stats., shall control the procedure and voting, and such sections are adopted by reference herein as those set forth in full.

(c) **Powers, Duties, and Jurisdiction.** The powers and duties of the Board of Extraterritorial Zoning Appeals shall be identical to the powers and duties of the Village Board of Zoning Appeals, except that the jurisdiction of the Board of Extraterritorial Zoning Appeals shall be the Extraterritorial Zoning Jurisdiction.

Section 10-1-1318: Fees

(a) **Fees for Procedures Requested by a Private Party.** The fees for the procedures and permits established by this Chapter shall be established by resolution of the Village Board of the Village of Prairie du Sac.

(b) **Fees for Procedures Requested by the Village of Prairie du Sac.** There shall be no fee in the case of applications filed in the public interest by the Village Board, Plan Commission, Joint Committee, other agency or official of the Village of Prairie du Sac.

(c) **Payment of Fees.** Fees shall be payable at the time each application is filed with the appropriate officer of the Village (per the requirements of this Chapter) and are not refundable, except if so provided in the fee schedule established by resolution of the Village Board. In the event any entity commences an activity described in this Chapter without payment of the associated application fee, that entity shall pay to the Village a penalty equal to the normal fee amount.

(d) **Reimbursable Costs.** The Village Planner, Village Engineer, Public Works Director, and Village Attorney, and other Village staff and consultants, may expend time in the investigation and processing of procedures regulated by this Chapter. In addition to Village staff involvement, the Village may retain the services of other professional consultants including, but not limited to landscape architects, architects, environmental specialists, and recreation specialists, in the administration, investigation and processing of such matters. Any person, firm or corporation requesting action by the Village on matters under this Chapter may be required to reimburse the Village for staff time expended in the administration, investigation and processing of applications for such permits or amendments and the cost to the Village charged by any professional consultant retained by the Village on any such matter.

Section 10-1-1319: Parkland Fees

(a) **Authority.** Section 62.23(7), Stats., confers upon the Village the authority to regulate and restrict by ordinance, land uses in the manner provided for therein, for the purposes of, among other things, ". . . to facilitate schools, parks and other public requirements . . ." and that any such ordinance so executed shall be liberally construed in favor of the Village.

(b) **Purpose and Intent**. The development of lands within the Village for residential uses creates demands upon the Village to provide, among other things, adequate provision for parks. As the resident population of the Village increases due to such development, the need to acquire and equip parks must be addressed. Accordingly, the following provisions are established to preserve and provide properly located public sites and open spaces as the Village develops, and to insure that such public sites and open spaces are provided and developed to serve the need for neighborhood and area parks generated by the additional persons brought into the areas by such development, in accordance with standards for such neighborhood and area parks as adopted in the Village's parks and open spaces plan, as approved from time to time. These provisions are intended to apply to all lands proposed to be rezoned for residential purposes, including Single-Family, duplex, Multi-Family, residential condominiums, and residential planned development uses on and after August 18, 2011.

(c) **Implementation.** The Village intends to implement the public policies contained herein, through the provisions of this Section or Section 10-3-25, et seq., of this Code of Ordinances, whichever is applicable. In the event that land dedication pursuant to Section 10-3-25, et seq., would result in sites too small to be usable or if the Village's Comprehensive Plan calls for such public sites or open spaces to be located elsewhere, or if such sites would not otherwise be suitable for park purposes as determined by the Plan Commission or the Village Board, a payment of a park fee in lieu of land dedication shall be required, as hereinafter set forth. Payment of such fees shall be a condition precedent to the rezoning of any lands for the residential uses described in (b) above.

(d) **Fee Calculation.** Whenever a park fee is imposed by the Village Board as a condition of a rezone, the park fees shall be determined as follows. The total fee shall be computed as the basis of the maximum residential use of each lot or residential building site permitted in the particular zoning district under this Zoning Code. The amount of the park fee shall be determined by application of the following formula:

A x B = Park Fee

Where:

A = the maximum number of residential units in the applicable R-R, R-1-A, R1-B, R-2, R-M, TND, PUD or other residential district, that may be located on the land area in question.

B = the Zoning Fee as stated in the Schedule of Fees per residential unit.

When the Zoning District is a residential planned development, the number of residential units shall equal the number of units identified in the approved PUD. The aforesaid Zoning Fee per dwelling unit shall be as listed in the Schedule of Fees. Such fees shall be adjusted to reflect increases or decreases, if any, in the cost of living. The adjusted fee shall be the amount of fee for the prior calendar year, plus an amount equal to the percentage change in the Consumer Price Index – Urban – Milwaukee (the "Index") occurring during the calendar year preceding the year in question, multiplied by the fee in effect during such year. In the event the Index is no longer published, the Village Board may substitute an alternative index that reasonably recognizes cost of living increases and decreases.

(e) **Payment.** Payment of the park fee shall be due and payable at the time of the issuance of a building permit for the construction of any improvement on the real estate subject to the rezoning. Such fee shall be deposited into the General Fund.

(f) **Partial Dedication.** Where the Village Board, in its sole discretion, permits a developer of land to satisfy the requirements of Section 10-3-25, et seq., of this Code by dedicating a portion of the land that would otherwise be required to be dedicated under that section, then in such event, the Village Board may reduce the park fee provided for in this Section, in recognition of the partial dedication that has in fact occurred. Such reduction shall be in proportion to the percent of total required park land dedication.

Section 10-1-1320: Violations and Penalties

(a) **Violations.** It shall be unlawful to construct or use any structure, land, or water anywhere within the Village or its Extraterritorial Zoning Jurisdiction in violation of any of the provisions of this Chapter. In case of any violation, the Village Board, the Plan Commission or Joint Committee, Zoning Administrator, or any person who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Chapter.

(b) **Penalties.** Any person, firm or corporation who fails to comply with the provisions of this Chapter shall upon conviction thereof, forfeit not less than $100.00 nor more than $500.00 and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. Any person, firm or corporation who commences an activity described

in this Chapter without payment of the associated application fee is also subject to penalty under Section 10-1-1318(c).

(c) **Prairie du Sac Promulgated Correction of Violation.** In addition to any other penalty imposed by this Subchapter for a violation of the provisions of this Chapter, the Village reserves and maintains the continued right to abate violations of this Chapter.

(1) Hazardous Condition Caused by Violation of this Chapter. If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred. The Zoning Administrator is hereby authorized to abate a violation of this Chapter.

(2) Non-Hazardous Condition Caused by Violation of this Chapter. If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall serve written notice by registered mail on the current owner of the property (as indicated by current Village of Prairie du Sac tax records) on which said violation is occurring to remove said violation within ten working days. If such violation is not removed within such ten working days, the Zoning Administrator shall cause the violation to be abated per Subsection (a), above. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred.

(3) Cost of Abatement. In addition to any other penalty imposed by this Subchapter for a violation of the provisions of this Chapter, the cost of abating a violation of this Chapter shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the Village to abate the violation shall be kept and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by registered mail, and shall be payable within 30 calendar days from the receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the Village Clerk shall enter such charges onto the tax roll as a special tax as provided by Section 66.615(5) of Wisconsin Statutes.

Title 10, Chapter 1 History:

Repealed and recreated via Ordinance No. 1, Series 2011 (effective August 18, 2011)

Amended via:

Ordinance No. 6, Series 2012 (effective May 3, 2012)

Ordinance No. 11, Series 2012 (effective November 22, 2012)

Ordinance No. 4, Series 2014 (effective May 22, 2014)

Ordinance No. 11, Series 2016 (effective December 22, 2016)